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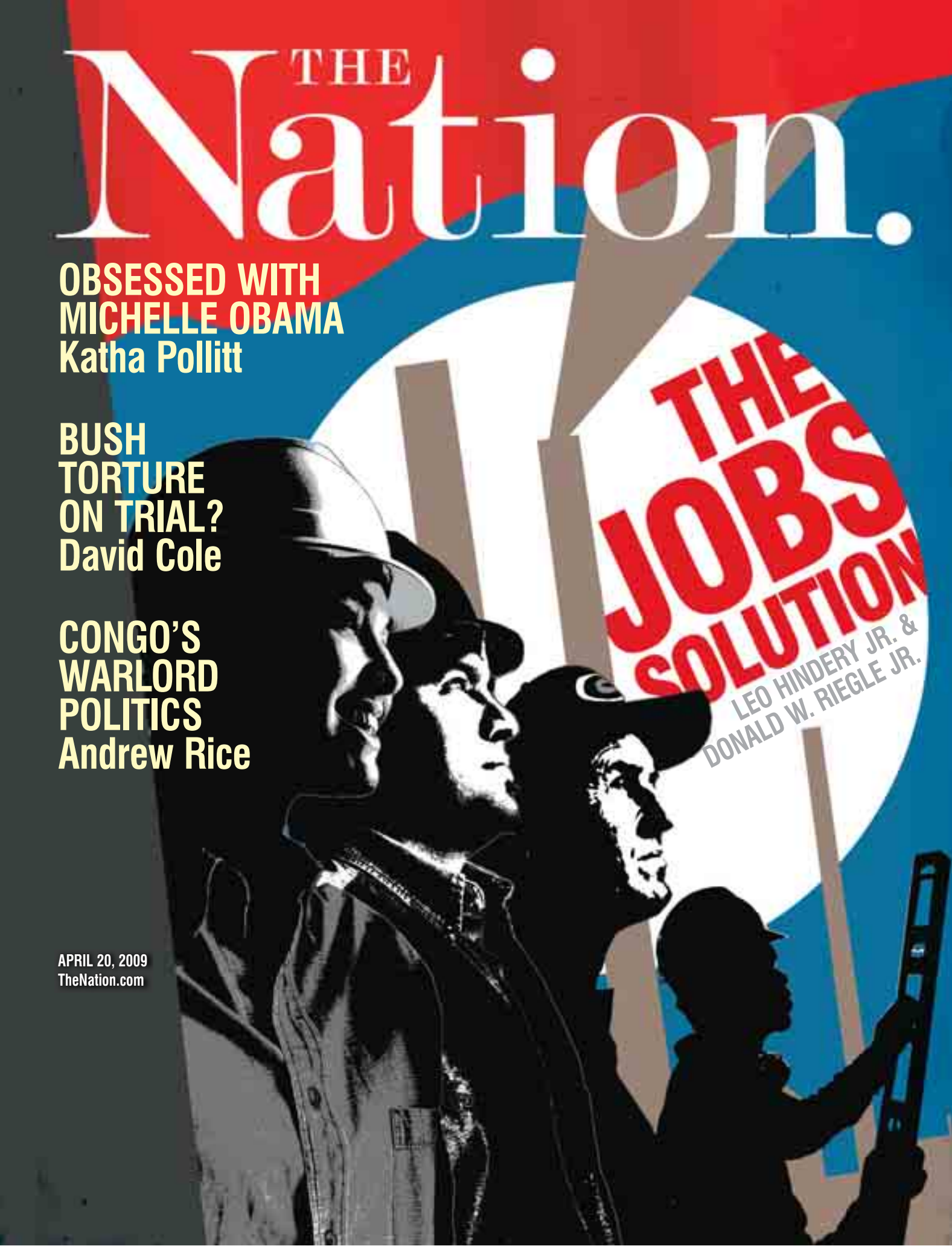

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Letters

Is Capitalism Dead or Playing Possum?

Our March 23 issue, particularly Barbara Ehrenreich and Bill Fletcher Jr.'s forum on "Reimagining Socialism," drew much positive mail. The forum has been expanded—with entries from, among others, Mike Davis, Kim Moody, Christian Parenti and Saskia Sassen. It continues at TheNation.com. —The Editors

Anderson, Ind.
The special issue on reimagining socialism is by far the best one this year. Seeing socialism discussed in a fashion other than as an evil is refreshing. I'm not a true socialist, but it's time the discussion about other ways to run the economy took place in the open.
Kent Portell

Warren, Vt.
Great issue. I call myself a socialist, but I have no faith in socialism. I have ideals, however. To me, the essence of socialism lies in these two statements: 1. Give what you can; take only what you need. 2. Humanity comes before systems and economy (people before money!). I was disturbed by some in the forum who don't seem to understand that capitalism *is* the problem. It worships growth; only cancer grows itself to the death of its host.
Robin Lehman

Kent, Ohio
Given the catastrophic costs of saving conglomerates "too big to fail," surely a proper response would see that no single entity be allowed to become that big. We once recognized this threat by breaking up the likes of AT&T. Shouldn't we try to save capitalism again—at least its superiority at creating wealth—by reconceptualizing it with the goal of serving the public welfare? Where economies of scale require a "too big to fail" concentration of capital, let government take over, not just temporarily. This crisis may be a chance to change capitalism for the benefit of everyone, with a little help from socialism.
Al Edgell

Knoxville, Tenn.
Socialism doesn't work unless it is democratic first, socialist second. My answer, like Roosevelt's, is regulated capitalism. The TVA area where I live is a perfect analogy for the way a wild force like a flooding river, or capitalism, can be tamed. When we get too much rain, the water is held back by dams; when we have a dry period, the dams release water. The dams on capitalism that Roosevelt put in place worked for decades, until Republicans removed them. We need to reinstate regulated capitalism.
Shirley E. Hastings

Worcester, Mass.
The socialism of Marx and Engels was an economic system to displace another economic system—capitalism—bound to succumb to its internal contradictions. Like Marx and Engels, Ehrenreich and Fletcher are looking for the final economic crisis of capitalism, which will allow us to replace it with socialism. They think the current crisis may be the one. But unfortunately, according to them, it finds us without a plan for what we want to substitute for capitalism.

Rebecca Solnit, in her forum reply, understands that socialism today is quite different. What we have learned since 1848, especially in the last century, is that socialism is about politics. It is not primarily an economic system. It is about opposition to central governments, whether by a capitalist ruling class or a bureaucracy that calls itself socialist. It is not primarily about central plans.

Socialism is about the self-organization of people to solve the problems confronting them. The challenges are political. That sort of socialism does not arise from the cataclysmic collapse of a preceding system but grows slowly over long periods of time and with many efforts—successful ones and efforts that fail. That revolution has already begun, as illustrated vividly by Benjamin Dangl's "Lessons From Latin America," in the same issue.

letters@thenation.com

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Obama Abroad

If ever there was a time for bold US leadership, this is it. The bursting of the housing and credit bubbles has sent the world economy into steep decline. Unless the major economies can rally around a common strategy for recovery, we could all descend into a deep and prolonged recession, if not a second Great Depression, with far-reaching consequences for political stability throughout the world. That is why Barack Obama's first foreign policy trip—to the G-20 meeting in London and then to the NATO and US–European Union summits—may be one of the most important of his presidency. No doubt the formal results of these meetings will be disappointing, making it even more important that the president use them to build support for a bolder international plan.

EDITORIAL

Despite his considerable popularity, Obama will face obstacles as he strives to shape an international agenda. The president will have to overcome a legacy of resentment over not just the reckless and irresponsible policies of the Bush administration but also the Clinton administration's arrogant proselytizing about the virtues of neoliberalism. Many Asian and Latin American leaders remember all too well Larry Summers and Timothy Geithner lecturing them to tighten their belts and close down troubled banks during the 1997–98 financial crisis.

The president will also have to deal with deep divisions among the major economies. It's no secret that Germany and France are highly skeptical of more fiscal stimulus, that Japan's leadership is in disarray and that China is pushing the idea of an international reserve currency in part to deflect attention from its practice of increasing exports at the expense of other economies. Finding common ground will not be easy.

But perhaps the greatest obstacle is the administration's muddled message and unclear priorities. At times it seems to be torn between a Keynesian reform agenda in the mold of FDR and a neo-Rubinite plan to preserve the dominance of Wall Street–led capitalism (albeit with a bit more regulation). The administration seems just as divided when it comes to its international priorities—between the overriding need to focus on global economic recovery and what it perceives as the equally important need to pursue the "war on terror" and prevent Russia from reasserting its power.

The administration did little to clarify its philosophical approach or its goals in advance of the G-20 meetings. In a March 24 op-ed that ran in thirty newspapers worldwide, President Obama struck many of the right notes with his call for bold action to jump-start the global economy. But a day earlier Treasury Secretary Geithner took a different tack when he unveiled a bank bailout plan that seems more concerned with saving Wall Street's proprietary trading than with ensuring that American businesses and homeowners have access to credit and capital.

If the administration is to lead the world toward recovery, it must be clear about its aims. One of Obama's top goals must be to outline plans to reverse the free fall in global demand and stop the surge of unemployment. The International Labor Organization estimates that more than 30 million jobs will be wiped out by the global recession; that number could easily grow to 50 million if the downturn deepens. As he meets with G-20 leaders, the president should pay less attention to Wall Street and more to the international coalition of labor unions, which is calling on world lead-

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This week at TheNation.com

News & Analysis

Max Fraser: Global labor's G-20 agenda

Christian Parenti: Three Mile Island anniversary

Video "Drop the Rock": repeal Rockefeller drug laws

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ers to commit sufficient funds to fight the recession, protect workers' rights and extend social services for the unemployed.

The best way to stem the tide of rising unemployment is for all the major economies, especially the large current-account-surplus economies like China and Germany, to increase their fiscal stimulus. But in the face of resistance from Germany and France, the administration has quietly dropped its call for G-20 countries to commit 2 percent of GDP to economic expansion. It must put a stronger stimulus back on the agenda by building a larger coalition behind that idea. Otherwise the United States will once again find itself bearing a disproportionate share of the burden of providing demand for the world economy.

Another way to stimulate global demand and create jobs is to increase aid to developing economies, which through no fault of their own are being hit hard by the downturn. Private capital flows to these countries have dried up, leaving many of them with debt problems reminiscent of the 1997–98 crisis. The preliminary report of a United Nations commission on international economic reform, chaired by Joseph Stiglitz, estimates that "some 200 million people…could be pushed into poverty if rapid action is not taken to counter the impact of the crisis." Once again, the Obama administration has sent mixed messages. It has supported increasing the International Monetary Fund's credit facility to $500 billion (from its estimated $200 billion) for helping economies in debt crisis. But it has not been as vigorous as it should be in advancing other ideas, like allocating new Special Drawing Rights to help developing economies pursue countercyclical policies or establishing a larger recovery fund to increase support for job-creating projects in these countries.

The administration's preparations for the NATO and US-European summits are also muddled. On March 27, just a week before the NATO summit, the administration announced plans to escalate fighting against the Taliban and Al Qaeda, signaling that it is as concerned about the threat from terrorists operating from remote areas of Afghanistan and Pakistan as by the broad instability a global depression would bring. By announcing this on the eve of the summit, the administration signaled its hope to secure more NATO assistance—at least more nonmilitary assistance—for the war. This not only ignores the reservations most European members have about the Afghan mission but also overlooks what must be the main focus of US-European cooperation looking ahead: the extremely worrying situation in Central and Eastern Europe, particularly the risk of an economic meltdown in Ukraine.

In light of the crisis gripping that region, it seems quixotic to make Afghanistan the key test for NATO. So does the administration's tortured strategy of keeping open the prospect of NATO membership for Ukraine and Georgia while trying to improve relations with Moscow. Obama should acknowledge the long history of the NATO alliance, but he should understand that NATO may have outlived its usefulness and that the effort to expand its mission into Afghanistan or the former Soviet Union could destabilize the post–cold war peace. He might also take note of the diverse coalition of activists planning demonstrations, conferences, workshops and nonviolent blockades to coincide with the sixtieth anniversary of NATO. The true test of US-European cooperation is not Afghanistan or expanding NATO;

Noted.

FALLING ROCK: On March 27, two days after hundreds of people convened at his Manhattan office to demand the repeal of the state's controversial **Rockefeller drug laws**, New York Governor **David Paterson** announced plans to significantly reform the infamous legislation. Passed in 1973, the Rockefeller laws were the first to impose stringent mandatory jail sentences for drug crimes. They inspired a wave of similar laws across the country, which flooded the nation's prisons with minor drug offenders. Nationwide, more than 70 percent of those now incarcerated for drug felonies are black or Latino. The proposed reforms would grant judges discretion to send many first- and second-time nonviolent offenders to substance-abuse treatment programs instead of jail and would expand the state's drug treatment infrastructure.

According to **Caitlin Dunklee**, coordinator of **Drop the Rock**, an advocacy organization that supports total repeal, the changes are "a beginning and not an end." The reforms leave in place some sentencing requirements that limit judicial discretion on more serious offenses, and Drop the Rock estimates that fewer than 1,500 of the nearly 12,000 people incarcerated under the laws will be eligible for resentencing. "I'm beginning to get some e-mails from families expecting their loved ones will be coming home to them," Dunklee says, "and in most cases that's not true."

Still, the legislation reflects a growing consensus that drug abuse is a public health issue better served by increased treatment, not jail time. "New York State could go from having some of the worst drug laws," says **Gabriel Sayegh** of the **Drug Policy Alliance**, to being a model for getting us "out of the war on drugs that we've been stuck in for thirty-five years." SARAH ARNOLD

CITIZEN Q&A: "We're actually going to have some live stuff," explained President **Barack Obama**, "instead of some virtual stuff." With that plucky note, on March 26 Obama ended the first open, democratically operated virtual town hall in White House history.

If nothing else, the president's virtual town hall was significant for its open structure. The six questioners were not chosen by the government. They were not vetted for their stories. They did not finagle tickets to a rare presidential visit in their town. Instead, they were chosen by the tens of thousands of people who voted in favor of their questions at **WhiteHouse.gov**.

Several top questions, as it happens, pushed a bit past the typical DC agenda. A Californian named Richard pressed Obama on single-payer healthcare, a topic that reporters never raised in the president's first two press conferences. (That issue also topped **Ask The President**, at communitycounts.com/obama, a similar citizen-question portal backed by a media coalition including *The Nation*.) Other popular questions assailed the "war on drugs," advocating the legalization of marijuana and asking whether such reforms might even stimulate the economy. Obama tried to laugh off the issue, but reporters followed up with press secretary **Robert Gibbs** that afternoon, quoting and sharpening citizen queries to probe the administration's recent talks with Mexico and its plans to try to reduce the domestic demand for narcotics. ARI MELBER

JOHN HOPE FRANKLIN: The arc of race that defined the life of **Dr. John Hope Franklin** (1915–2009) spanned from the 1921 Tulsa, Oklahoma, race riot to chairing **Bill Clinton**'s Race Initiative of 1997–98. In between, Franklin mostly lived the life of a scholar, writing and researching historical texts and training several generations of doctoral students. He was pivotal in shaping discussions within higher education about the larger meanings of diversity and excellence.

Franklin was best known for his seminal work, *From Slavery to Freedom*, published in 1947. It was the first and to date the most influential single-volume treatment of the African-American experience in the English language. Because of its liberal treatment of African-Americans, *From Slavery to Freedom* was initially not well received by white reviewers. A number of publications, including **The New York Review of Books**, refused to review anything written by Franklin for decades. But Franklin was too great a scholar to allow these petty insults to bother him.

For my generation of young African-American intellectuals produced by the radicalism of black power, Franklin was the scholar we all hoped to become. It was not just the grace of his narrative style or the power of his ideas; it was also his gentleness and the caring and humanity that he displayed in his relationships with junior colleagues. He was generous with his time and very thoughtful in his evaluations of others' work. Franklin believed that racial equality was possible, in part, if America learned the bitter lessons from its past. He saw history as a tool for transforming America's conscience. He viewed himself as a historian who was also an activist in the struggle for racial justice. MANNING MARABLE

SPECTER'S STAB IN THE BACK: When Pennsylvania Republican Senator **Arlen Specter** has been on the ropes, he has counted on unions to rescue him. Faced with a brutal 2004 primary challenge from the right, Specter relied on financial and volunteer support from the **AFL-CIO** and two dozen of its affiliates. Some unions even encouraged members to register as Republicans, vote for Specter and then "switch right back after the primary." Specter survived by a 51–49 margin and then, with strong union backing, prevailed over a credible Democrat.

But when working families needed his support for the **Employee Free Choice Act**, Specter bent to pressure from antiunion forces and announced that he would help block a vote on the bill. The senator's move, intended to strengthen his hand in a 2010 primary where he faces a fight with the right, serves as a wake-up call not just for labor but for all progressive groups. Specter had other options. Democrats said he'd be welcomed if he switched parties, and labor let him know that if he backed the right to organize, unions would have his back in a GOP primary. But the senator betrayed his allies.

Specter says he wants to stay in the GOP to keep alive a moderate tradition that has historically been friendlier to labor. But Specter's EFCA move poses a question: what is the point of defending GOP moderates on election day if they bow to right-wing bullies when crunchtime comes on essential issues? JOHN NICHOLS

it's whether the United States can work with Europe—and, in the case of Ukraine, whether it can work with Russia—to prevent a new iron curtain from dividing Europe into a rich, stable West and a poor, unstable East.

President Obama, of course, is correct that his administration must tackle more than one challenge at a time. But it must be wise in its choice of which challenges it takes on, especially when it needs help with them. Understandably, other countries are less inclined to follow America's lead than they once were. All the more reason for the Obama administration to be clear about its goals and to explain that it is concerned about the welfare of all nations, not just ours.

Pulp Nonfiction

100 DAYS

Two years in Washington have started to make me feel jaded. I've come to expect that even nobly conceived laws will be manipulated and distorted for private ends. But once in a while I hear a story that gives me the queasy feeling that I'm nowhere near cynical enough. Such is the case with the tale of the paper industry and the alternative-fuel tax credit.

Thanks to an obscure tax provision, the United States government stands to pay out as much as $8 billion this year to the ten largest paper companies. And get this: even though the money comes from a transportation bill whose manifest intent was to reduce dependence on fossil fuel, paper mills are adding diesel fuel to a process that requires none in order to qualify for the tax credit. In other words, we are paying the industry—handsomely—to use more fossil fuel. "Which is," as a Goldman Sachs report archly noted, the "opposite of what lawmakers likely had in mind when the tax credit was established."

The massive tax subsidy has barely been reported in the press, but it's caused a stir in the paper industry, which is struggling to stay profitable in the teeth of the recession. "Everybody's talking about it," paper industry analyst Brian McClay told me. "In the US and elsewhere in the world—in Canada and Brazil and Chile and Europe."

On March 24 International Paper (IP) announced it had received its first check from the IRS for a one-month period this past fall. The total? A whopping $71.6 million. "It's probably close to a billion a year of cash," McClay said. "If you look at the economics of this business, to make that kind of money today you'd have to be on another planet." IP's stock rose 12 percent on the news.

The origins of the credit are innocent enough. In 2005 Congress passed, and George W. Bush signed, the $244 billion transportation bill. It included a variety of tax credits for alternative fuels such as ethanol and biomass. But it also included a fifty-cent-a-gallon credit for the use of fuel mixtures that combined "alternative fuel" with a "taxable fuel" such as diesel or gasoline.

Enter the paper industry. Since the 1930s the overwhelming majority of paper mills have employed what's called the kraft process to produce paper. Here's how it works. Wood chips are cooked in a chemical solution to separate the cellulose fibers, which are used to make paper, from the other organic material in wood. The remaining liquid, a sludge containing lignin (the structural glue that binds plant cells together), is called black liquor. Because it's so rich in carbon, black liquor is a good fuel; the kraft process uses the black liquor to produce the heat and energy necessary to transform pulp into paper. It's a neat, efficient process that's cost-effective without any government subsidy.

"Seventy-three percent of the energy we use in our mill system we produce," says Ann Wrobleski, IP's vice president for global government relations. "We feel like we're the original green industry, if you will." (In developed nations, paper is the third-largest industrial greenhouse gas emitter, behind the steel and chemical industries.)

By adding diesel fuel to the black liquor, paper companies produce a mixture that qualifies for the mixed-fuel tax credit, allowing them to burn "black liquor into gold," as a JPMorgan report put it. It's unclear who first came up with the idea—Wrobleski told me it was "outside consultants"—but at some point last fall IP and Verso, another paper company, formerly a part of IP, began adding diesel to its black liquor and applied to the IRS for the credit. (Verso nabbed $29.7 million at just one of its mills in the final quarter of 2008 for its use of mixed fuel.)

Despite the obvious contrivance of the procedure, Wrobleski is unapologetic: "The credit is supposed to encourage the use of green fuel." Sure, I said, but isn't it a bit weird you're now adding diesel fuel to the process in order to take advantage of it? "It is what it is," she said.

Others are less charitable. "You use the toilet every day," said one hedge fund analyst who's been closely following the issue. "Imagine if you could start pouring a little gasoline into the bowl and get fifty cents a gallon every time you flushed."

No one in Congress seems to have anticipated this creative maneuver. This past fall the Joint Committee on Taxation computed the cost of extending the tax credit for three months and projected it would cost a manageable $61 million. It now appears that the extension (which was passed as part of the TARP) could cost as much as $2 billion before the credits expire at the end of this calendar year.

In fact, the money to be gained from exploiting the tax credit so dwarfs the money to be made in making paper—IP lost $452 million in the fourth quarter of 2008 alone—that the ultimate result of the credit will likely be to push paper prices down as mills churn at full capacity in order to grab as much money from the IRS as it can.

If there's a cloud hanging over the elation in the industry, it's the sneaking suspicion that once Congress gets wind of this racket, it will shut it down. "The one comment I do get from people [in the paper industry]," says McClay, "is whether it's going to be rescinded or redrawn before the end game."

Investment analysts echo this concern. "We think there is some question as to whether this tax incentive survives to yr-end," a Deutsche Bank analyst wrote recently. "Most industry leaders would like to keep a low profile on this issue.

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Unfortunately, we think it is a material enough issue that it will draw attention."

So far, though, to the surprise of McClay and others, there's been not a peep from Capitol Hill. Allen Hershkowitz, a senior scientist at the Natural Resources Defense Council and director of its paper industry reform project, told me the industry wields significant clout in Washington and has benefited from myriad federal subsidies throughout its history, but that "this is really a perverse exploitation at the expense of the environment."

I called up the Senate Finance Commitee, and a staffer told me they were "aware of the issue, and are talking with the IRS about the technical details. The committee intended the credit to be primarily for transportation fuel and plans to closely review the situation."

Whether or not Congress gets around to turning off the spigot, the episode is a useful reminder of the persistently ingenious ways the private sector can exploit even well-intentioned legislation. Considering that the success of the Treasury's recently announced plan to rescue the financial sector depends, in part, on the private sector not gaming the rules, the black liquor story seems particularly germane. CHRISTOPHER HAYES

Calvin Trillin, Deadline Poet

No One to Pray With

So I'm looking around for somebody to pray with, I just need maybe a little help, maybe a little extra, and the McCain campaign, love 'em, you know, they're a lot of people around me, but nobody I could find that I wanted to hold hands with and pray.

—Sarah Palin, recalling the moments before her debate with Joe Biden

I look at McCain's folks around me.
An urge to hold hands I don't feel.
A lot of these folks are from cities.
Americans? Yes, but not real.

I'm looking for someone to pray with,
Before I go into the fray.
But half of these folks went to Harvard,
Which means that they're probably gay.

I look at McCain's folks around me.
I know now I'm in the wrong crowd.
For I can find no one to pray with,
And praying alone's not allowed.

Bush Torture on Trial?

President Barack Obama has until now largely ignored calls to investigate or prosecute former Bush administration officials responsible for authorizing the torture of suspects in the "war on terror." He has said he prefers "looking forward" to "looking backward"—even though former Vice President Cheney admits he authorized waterboarding, and Obama's attorney general, Eric Holder, has testified that waterboarding is torture. But the pressure to launch an investigation increased dramatically on March 28 with news that a Spanish judge had begun a criminal inquiry into high-level Bush administration officials' complicity in torture.

COMMENT

The investigation targets six lawyers responsible for devising the legal architecture that allowed torture to become official US policy: former Office of Legal Counsel lawyers John Yoo and Jay Bybee, who wrote the August 1, 2002, memorandum defining torture so narrowly that waterboarding and threats of death were deemed permissible; former White House lawyers Alberto Gonzales and David Addington, who headed the so-called War Council, argued that the Geneva Conventions were "quaint" and "obsolete" and requested the August torture memo; and Defense Department lawyers Douglas Feith and William Haynes, who helped sweep away the Geneva Conventions and authorize torture at Guantánamo.

The complaint that initiated the investigation alleges that these lawyers "participated actively and decisively in the creation, approval and execution of a judicial framework that allowed for the deprivation of fundamental rights of a large number of prisoners, the implementation of new interrogation techniques including torture, the legal cover for the treatment of those prisoners, the protection of the people who participated in illegal tortures and, above all, the establishment of impunity for all the government workers, military personnel, doctors and others who participated in the detention centre at Guantánamo."

Why Spain? Two reasons. First, Spanish law, like US law, recognizes "universal jurisdiction" for crimes of torture, meaning that torturers can be prosecuted anywhere, regardless of where they committed their crimes. Second, some of those held at Guantánamo were Spanish citizens.

The judge overseeing the investigation is Baltasar Garzón, who made international news in 1998 when he indicted former Chilean President Augusto Pinochet for, among other crimes, the torture of Chileans when he was in power. The indictment, also issued under the principle of universal jurisdiction, ultimately sparked criminal proceedings in Chile against Pinochet.

Given how much is known about the Bush lawyers' role in authorizing and covering up torture, one of the few ways to respond to the prosecution in Spain would be for the United States to launch its own investigation. The principle of universal jurisdiction recognizes that if a country is making responsible moves to pursue wrongdoers, other nations should not step in. But as long as President Obama plans to "look forward,"

Judge Garzón is likely to *move* forward with his case.

Spain is not the only country conducting a criminal investigation. On March 26 Britain's attorney general, Patricia Scotland, announced that she was launching a criminal investigation into allegations that British security officials were complicit in the torture of Binyam Mohamed, a British resident captured by US officials in Pakistan and rendered to Morocco and Afghanistan before being taken to Guantánamo. MI5 officials provided information to the Moroccans while he was being interrogated under torture. If such allegations of complicity are sufficient to require a criminal investigation, surely the role of US lawyers in authorizing the direct application of torture merits investigation.

The European investigations are premised on a simple proposition: torture is never justified, and any complicity in it therefore warrants inquiry and, where appropriate, punishment. If we don't acknowledge that the rule of law demands accountability, others will. DAVID COLE

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Tennessee's Dirty Data

The Tennessee Valley Authority manipulated science methods to downplay water contamination caused by a massive coal ash disaster, according to independent technical experts and critics of the federally funded public utility.

The TVA is the largest public provider of electricity in the nation. On December 22 a TVA-owned retention pond collapsed, letting loose a toxic wall of earth that knocked houses off foundations and blanketed Tennessee's Emory River with plumes of gray scum. Questions soon emerged about the chemistry of the ash, particularly the presence of toxins like selenium and arsenic, which scientists said were dissolving into the river. Some residents have complained of a gray film in their tap water and of a burning sensation on their skin and in their eyes after taking a shower.

COMMENT

New evidence indicates that in the wake of the disaster, the TVA may have intentionally collected samples from clean spots in the Emory River, a major supplier of drinking water for nearby cities. Third-party tests found high levels of toxins in the river water and in private wells.

On December 23 the Environmental Protection Agency tested water near a municipal drinking water treatment plant and found arsenic 149 times higher than drinking water standards. But the EPA said the heavy metal, which is linked to cancer, would "likely" be filtered out. Days later, with outrage and litigation mounting, one TVA official, Neil Carriker, insisted that the gray goo in the river was made up of harmless microscopic spheres of glass called cenospheres—disregarding studies showing that high levels of toxins were also present.

Technical experts cite persistent differences between independent reports and those offered by state and federal authorities. For example, on January 9 the environmental group Appalachian Voices found arsenic levels 300 times higher than the drinking water standard; the TVA later said it found arsenic levels twenty times below the standard.

Charles Norris, the principal geochemist with the environmental engineering firm Geo-Hydro, based in Colorado, said that Tennessee's state-approved program for representing river water quality "has demonstrably been unable to account for the variability that's being picked up by third-party sampling."

In recent weeks, an inquiry in conjunction with The Nation Institute's Investigative Fund uncovered satellite positioning locations for the authority's water sampling stations inside a TVA dredging permit application. The data were pinpointed on aerial maps and shown to independent experts in an effort to determine whether the TVA may have skewed its samples.

Donna Lisenby, a river monitor for Appalachian Voices, said the data give critics a smoking gun. "You can skew the data by putting testing points in odd locations, such as behind a sandbar or far upriver away from the spill," she said. "The GPS locations show that that is what the TVA has been doing." Bob Gadinski, a former hydrologist for the State of Pennsylvania, said that the TVA's use of only five testing locations was "too few" and that at least three locations were placed at points where contamination was less likely to reach. The GPS positions led Gadinski to conclude that "the TVA isn't interested in properly mapping the contaminants in that river."

Jeff Stant, an official with the Environmental Integrity Project, a DC-based group that monitors the river system, said, "You expect to find fluctuations. What's troubling is that TVA's data is suspiciously consistent." Though the contrary data have been publicly available for several weeks, Gil Francis, a TVA spokesman, told *The Nation* that the agency is "eager to review the findings of any reports or studies that might show differences."

Meanwhile, the Tennessee Department of Environment and Conservation (TDEC) sampled 100 wells near the spill and assured the public that the water is safe. Stant's organization, in contrast, found high levels of sodium, aluminum and manganese in its well tests. TDEC has issued an enforcement order against the TVA for violating water quality standards that protect aquatic wildlife, but an agency spokesperson said that "results to date have not indicated exceedances of the primary drinking standards for metals."

"I don't understand why the TVA, the Tennessee Department of Environment and Conservation and the EPA aren't finding the same problems as these private groups," said Francis. At a March 5 community meeting, state and federal officials again stressed that government testing shows air and water near the site to be safe.

At least four lawsuits have been filed since the December spill, and a federal judge has ordered the TVA not to destroy any documents. KELLY HEARN

Kelly Hearn is an independent journalist based in Tennessee. Research support for this article, a longer version of which appears at TheNation.com, was provided by the Investigative Fund at The Nation Institute.

Alexander Cockburn

'Worse Than Death'

On March 18 Governor Bill Richardson formally ended New Mexico's death penalty, ratifying votes for abolition by the State Senate and House. Richardson festooned the signing with language about this being the "most difficult decision" of his political life, arrived at only after he had toured the maximum-security unit where offenders sentenced to life without parole would be held. "My conclusion was those cells are something that may be worse than death," he said. "I believe this is a just punishment."

For Richardson the flaw with the death penalty lies in its imperfection. "Faced with the reality that our system for imposing the death penalty can never be perfect, my conscience compels me to replace the death penalty with a solution that keeps society safe." Embalmed in this self-serving verbiage are many pointers to how seriously the whole abolitionist cause has gone off the rails, fleeing the arduous moral battleground of Redemption and Revenge for the tempting pastures of Efficiency.

With the death penalty, irreversible mistakes bring the whole justice system into well-deserved disrepute. But of course the state has a ready answer, one conveniently cued for them by the abolitionists who have set the stage for the state to offer its substitute: life without the possibility of parole (LWOP)—living death, or in Richardson's creepy phrase something "worse than death." Also recruited into the abolitionists' arguments for efficiency have been pragmatic calculations that the death penalty is simply too expensive. It costs a ton of money, particularly in a state like California, to fight a death penalty case through the courts and the appeals process, pay for prosecutors and defenders to amass the data and the witnesses for the post-verdict penalty phases of the trial, get someone onto death row in San Quentin and then fight further endless battles over habeas corpus writs, stays of execution and so forth.

Bill Clinton did his best to speed up the conveyor belt by signing the Antiterrorism and Effective Death Penalty Act of 1996. But it's still a hugely expensive hassle to line things up so lethal injection can proceed. Against all this, what's brisker than the offer of LWOP as part of a plea bargain? Sign on the dotted line. Pack the prisoner off to a concrete box and throw away the key. As the *Dallas Morning News* editorialized in support of LWOP for Texas: "It's harsh. It's just. And it's final without being irreversible. Call it a living death."

Nothing much is going to change in New Mexico, except for the worse. The state has only formally executed one man since 1960: Terry Clark, a child-killer, had his appointment with the lethal needle in 2001. This number may soon swell to three because the two men on death row face execution because they were condemned to die before abolition comes into legal force on July 1. Presumably their chances of commutation have diminished, since no one wants to be accused of giving killers anything resembling a lucky break. Meanwhile, the number of convicted people drawing the "living death" card will go up, as juries will likely find it easier to sentence defendants to living death—LWOP—with less worry about the irreversibility of a mistaken death sentence.

When I drive south to the Bay Area, I pass San Quentin, where 641 prisoners sit on death row. In the very unlikely event they get executed, they will have waited an average of 17.5 years from the moment they were condemned. Thirteen people have been executed in California since the US Supreme Court allowed capital punishment to resume in 1976. When I drive from Crescent City, with its supermax Pelican Bay prison, down Highway 101, jog over to Redding and head south on Interstate 5 to Los Angeles, I traverse a Gulag Archipelago in which thousands of prisoners are serving decade upon decade of hard time, with hundreds of them in solitary confinement, often for years on end. Yet it is the situation of the 641 that elicits maybe 98 percent of the energies of reformers.

How many prisoners nationally are under sentence of "living death"? The Sentencing Project tells my colleague Keith Newell there were 33,633 people serving life sentences without parole in the United States in 2003, which is 26.3 percent of the total number of people serving life sentences. The analyst at the Sentencing Project told Keith that they have tried to determine how many people are *effectively* serving life sentences without parole (i.e., life plus extra years), but that it's been a nightmare to do so. They don't even have a ballpark estimate.

The irony is that a moral debate is finally in motion over America's horrifying sentencing laws. In New York State, the Rockefeller drug laws, which destroyed so many thousands of lives with mandatory sentencing, are being modified. Senator Jim Webb of Virginia is courageously trying to coax into life a national commission to review the criminal justice system. Webb tells the *Washington Post* that cops and prosecutors often target the wrong people and says he believes society can be made safer while making the system more "humane and cost-effective." He flourishes a fine piece by Atul Gawande in the March 30 issue of *The New Yorker* stigmatizing solitary confinement ("at least twenty-five thousand inmates in isolation in supermax prisons") as torture.

Humane! Now there's a novel word. Maybe the notion of prison time as a path to redemption for murderers and pickpockets will creep through a crevice in the wall of prejudice that shields the national and political posture on crime and punishment from rationality. As radical abolitionist Bill Dobbs remarks, "Just as the electric chair and gas chamber fell out of favor, now injecting lethal poison into veins is becoming unfashionable. But death and torture have a new sweet spot, life in prison without parole. And some of the credit for that goes to the anti–death penalty crowd who ought to think harder about what 'abolition' means." ■

Katha Pollitt

Mad About Michelle

Someday we'll get beyond obsessing about first ladies—and by "we" I mean the sort of journalists who use "we" to mean "the vast majority of Americans" when it is usually just themselves and their friends. Meanwhile, Michelle Obama is getting more bouquets from the media than any woman in public life since Mother Teresa. Her clothes, her looks, her height (six feet!), her curves, her delightful combination of warmth, simplicity, charm, dignity, humor and smarts. Gone are the days when *National Review* put her on the cover as "Mrs. Grievance," when Maureen Dowd wondered aloud if Michelle's wifely jokes about Barack's foibles were "emasculating" and when Christopher Hitchens wrote in *Slate* that her undergraduate thesis, "Princeton Educated Blacks and the Black Community," was not "written in any known language" and used it to tie her to Louis Farrakhan, a pair of African dictators and the Holocaust. Remember how Obama supporters fumed about that *New Yorker* cover cartoon of Barack as an Al Qaeda terrorist and Michelle as a rifle-toting Black Panther? People wouldn't get that it was satire! Seems pretty silly now, doesn't it? Yesterday's fist-bumping radical is today's mom in chief.

Well, not quite. After all, Michelle Obama is still black, although only wingnuts and black people mention it—most whites are much too polite. And she's a woman, too, which always makes for trouble. So while half the country swoons over her *Vogue* cover and her community service in schools and homeless shelters, there are those who feel just a little bit threatened. There are her bare arms, for example—they have muscles! "In the taxi," Dowd confided in a recent column, "when I asked David Brooks about her amazing arms, he indicated it was time for her to cover up. 'She's made her point,' he said. 'Now she should put away Thunder and Lightning.'" Brooks didn't like "the V-neck sleeveless, eggplant dress" she wore to Barack's address to Congress, either. A supersmart black woman who's also fashionable and fit—terrifying.

And then there's this developing story line—call it the Goldilocks and the Three Bears syndrome. Hillary Clinton was too ambitious; Laura Bush (who?) was too retro; but Michelle has the woman thing just right. As David Samuels writes in *New York* magazine:

> There are clear limits to Michelle's ambition. She went to excellent schools, got decent grades, stayed away from too much intellectual heavy lifting, and held a series of practical, modestly salaried jobs while accommodating her husband's wilder dreams and raising two lovely daughters. In this, she is a more practical role model for young women than Hillary Clinton, blending her calculations about family and career with an expectation of normal personal happiness.

Would you like some manly condescension with that factual misinformation, ladies? By all means, avoid "too much intellectual heavy lifting"! If Samuels regards $273,618—Michelle Obama's salary in her last year as head of community affairs for the University of Chicago Hospitals—as modest, he must be the richest magazine journalist in the world. Michelle Obama, who made almost twice as much as her husband the senator, earned more than 99 percent of the population, and 98 percent of men. Moreover, she did so while raising two small children, often without her husband, who was off legislating in Springfield and Washington. That Samuels, like a 1950s home ec teacher, advises "young women" to keep their ambitions "practical" if they want to be happy shows just how disturbing Hillary Clinton—or rather the nightmare fantasy of Hillary Clinton—has been to certain male psyches. Because what if women wanted to be the ones with the wild dreams? What if they wanted men to be the enablers and nurturers? That would be awful.

Just after the election Rebecca Traister wrote a terrific piece in *Salon* lamenting the "momification" of Michelle Obama. Probably it was inevitable: "In part because of the legacy left her by Hillary and her detractors," Traister observed, "powerful couples must now tread as far as possible from the 'two for one' talk, lest the female half get smacked with a nutcracker." Besides, there was that Angry Black Woman image to banish. It might have been politically necessary, and for all I know Michelle Obama is having the time of her life—unlike most professional women who take (let's hope) eight years off, she doesn't have to worry about the cost to her career. Some days I think just being a highly visible admirable black woman is a social cause all by itself, given how little of that side of black life most white Americans see. Still, there's something depressing about the joy and relief with which the high-end media have greeted Michelle's makeover from accomplished professional and outspoken social critic to new-traditionalist homebody. They're not only not ready for Hillary Clinton, they're apparently not even ready for Eleanor Roosevelt.

In the *American Prospect*, Dana Goldstein recently argued that being first lady should be treated like the job it is and awarded a salary. Michelle is "a public face of the Obama administration," working behind the scenes to rally support for her husband's programs—and she endures a schedule of ceremonial duties and photo ops that would put most women on Prozac and that are not optional. She can't decide to skip dinner with the Democratic chairmen of Congressional committees and watch TV with the girls instead. If first ladies were paid—Goldstein suggests that the money could come from lowering the president's $400,000 salary—we might respect them more.

Meanwhile, we should be counting ourselves lucky that Michelle Obama is working for free and let her wear whatever she wants. ■

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Our economic recovery depends on a massive national plan aimed at full employment.

by LEO HINDERY JR. AND DONALD W. RIEGLE JR.

All we really know about the financial industry bailouts and the economic stimulus plan are their enormous potential costs: at least $2 trillion combined, which is likely to balloon to $3 trillion or even $4 trillion, plus additional trillions of costly credit from the Federal Reserve, with very uncertain payback.

However, what is most immediately alarming about the bailouts and the $787 billion stimulus package are the daily indications that they still fall woefully short—in dollars and particularly in focus—of what is needed to confront the emergency economic conditions we face. And emergency conditions they are, with the US economy having contracted at an almost unbelievable annualized rate of 6.3 percent in the last three months of 2008, a terrible quarterly performance rivaled only four times since the Great Depression.

The nation is fairly resigned to the costly bailouts, but the stimulus plan is still not close to right: too small by at least half, not nearly timely enough in some of its spend-out rates and too underperforming against the only measure that really counts.

The plan's composition drastically overemphasizes small one-time individual tax cuts ($233 billion) and non-jobs-related spending ($261 billion). But causing most concern is that the 3.6 million jobs the plan is supposed to create or, mostly, just save over the next two years are not nearly as many as they seem to be. This number is less than the 4 million or so additional jobs expected to be lost in the next year (which will only go up if GM and Chrysler are forced into bankruptcy), and it doesn't even equal the number of jobs America needs to create just to stay even with population growth.

America's Human Capital

The right way to earn our way back to long-term prosperity is through stimulus efforts that will help develop, broadly deploy, fairly compensate and, especially, fully employ our human capital, which will always be our greatest source of national wealth. Only then will we have refired the commercial engines needed to recover from this dismal recession. And only then will we have addressed Americans' belief that unemployment is by far, with no close second, the most important economic issue facing the country.

We need an all-encompassing strategy on the massive scale we used at Normandy to win the war in Europe and that we later had behind the sweeping Marshall Plan to help rebuild Europe's broken economies. This time, however, our big-thinking strategy must be about creating the 24 million jobs that are missing so that American workers will be nearly fully employed.

We cannot accomplish this simply by pouring unlimited borrowed money into our economy on the flawed and unfair premise that it will "trickle down" to where it is needed. This is true whether the money is given to high-income individuals, as Presidents Reagan and George W. Bush did, or distributed in the

form of massive bailouts to the big banks and Wall Street firms, as is happening now, with the hope (but not at all the promise) that these bailouts will lead to economy-enriching loans.

There are 12.5 million *officially* unemployed workers, and America's nominal unemployment rate is 8.1 percent. But these numbers tell less than half of an already dismal story that just keeps getting worse, with record increases in the number of Americans claiming unemployment and the highest number of officially unemployed workers on records dating back to 1967. When we more accurately and honestly include the 10.7 million workers who are underemployed—either part-time of necessity (8.6 million) or otherwise marginally attached (2.1 million)—and the 3.7 million who are in the "labor force reserve" (because they have abandoned their job search), then the unemployment rate rises to a staggering 16.7 percent.

In all, there are 26.9 million unemployed Americans, who have little or no financial safety net—and, sadly, there are several million more to come. With only 3 million job openings, mostly at the entry level, we cannot be at all surprised that our food kitchens are serving millions of people, our homeless shelters are filled to capacity and Hooverville-type tent cities are cropping up in every region of the country.

Only by finding these millions of missing jobs and realizing their enormous overall "multiplier effects"—every new job indirectly benefits the economy beyond the direct benefits of employment—can we recapture our living standards and continue to project our values and leadership around the world. And only with near-full employment and with a much reinvigorated manufacturing sector can we produce enough wealth to pay off our new debts plus Bush's massive $11 trillion debt legacy.

In his first inaugural address, President Franklin Roosevelt said that the nation's greatest task was "to put people to work." This same task falls on the shoulders of President Obama and this Congress. We believe that in the inevitable second round of economic stimulus, Obama and Congress should put nearly 100 percent of the monies toward creating immediately identifiable long-term, high-value, future-oriented jobs.

This emphasis should have dominated the just-enacted stimulus plan, but it didn't, and now even more millions of Americans urgently need jobs with wages and salaries that can support their basic needs and those of their families.

What the Heck Happened?

History teaches us that no nation can simply borrow its way to sustained prosperity. Nor does long-term prosperity ever come from disconnecting workers' wages from their productivity, or from a government's refusal to protect the right of workers to organize, to achieve decent working conditions and to receive a fair share of their productivity gains.

Yet this is exactly what has happened on and off for the past twenty-five years, as successive administrations gutted the progressive individual income tax in order to benefit high-income Americans; let most productivity gains go to those at the highest income levels, again through preferential tax policies; and ceased in any meaningful way to protect workers' rights.

As a result, our nation is saddled with an economy that for several decades has bounced from one credit-induced bubble to another. Income inequality is at its highest level since 1928; median wages have stagnated for more than a decade; and, significantly, our once vital manufacturing sector is swamped by our largely service-based economy, which moves incomes around the country but does little to improve our balance of trade.

Trade unions, which fostered and heavily sustained both the middle class and the balanced capitalist system in the United States, now represent only 7.6 percent of private-sector employees, down from more than 20 percent as recently as the early '80s. And instead of seeing gains in real wages earned through higher worker productivity, living standards for all but the wealthiest Americans have been artificially sustained for years by outsize mortgages, home equity loans and credit card debt, and by the growth in two-worker family incomes.

This long history of decoupling wages from productivity has also reduced individual savings rates and the aggregate savings needed for capital investment. Many employers have shrunk real wages and benefits while substantially dismantling the employer-based pension system. And in the public sector, excessive tax cuts for the wealthy have left our federal and state governments without the revenues needed to properly fund public education, healthcare and vital infrastructure investments.

And Don't Forget Trade

We also need to address immediately the decades of misguided trade policies that led to the transfer of millions of US workers from export industries into less productive and often lower-paying service jobs. In the 1980s, US-based global corporations, with the complicity of the executive and legislative branches, began to see their overseas operations not just as sources of raw materials but also as cheap production sites, invariably with much weaker environmental standards and fewer rights and protections for workers.

In January 1994 the North American Free Trade Agreement became the first legal embodiment of this major shift, followed a year later by the development of the World Trade Organization and then by the United States granting most-favored-nation status to China in 2000—in each case without securing nearly enough reciprocity and enforcement rights.

These misguided trade policies, combined with other countries' much less expansionary macroeconomic policies, triggered the most massive change in trade numbers in the history of any nation. America's willingness to pursue very expansionary monetary and fiscal policies, by contrast, has allowed many of these countries a "free ride" on our strong consumer demand. The massive $4.7 trillion goods-and-services trade deficit accumulated over just the eight years of the Bush administration—including a $3.6 trillion deficit in the extremely important manufactured goods category—made the US economy about $1.5 trillion smaller than it otherwise would have been. And

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without any meaningful reciprocal jobs creation here, we lost 4.5 million manufacturing and more than 2 million service jobs, most of them unfairly.

America's cumulative trade deficit since 1980 is an almost unbelievable $7.2 trillion. Those who scoff at the urgent nature of this problem have no real answers when asked how and when America will ever be able to pay off this obligation. And make no mistake, pay it off we must, just as we have to pay off this nearly $13 trillion that is soon to be the aggregate federal debt.

What Needs to Be Done

Working with those who understand the urgency of creating millions of high-value-added jobs—and the higher family incomes and tax revenues that will follow—the Obama administration and Congress need to "slipstream" behind the bailouts and develop long-term plans to support the renewal of manufacturing. These plans must be designed to stimulate business invention and innovation, and to spur productivity growth across the nation. The objective must be to find those 24 million missing jobs, and their centerpiece must be a much stronger nationwide commitment to healthy, well-educated and well-trained workers, especially in the manufacturing sector.

Congress must take steps to change our labor policies to foster a true high-wage economy. Over and above what is proposed in the new federal budget, this will require:

§ Immediate passage of the Employee Free Choice Act, which will allow workers to join unions without obstacles.

§ A national pension policy to restore adequate retirement savings.

§ Concrete efforts to restore the essential tax-policy link between productivity growth and wage gains, which will almost surely mean adopting a value-added tax of the sort nearly every other developed country already has.

§ A ten-year program of significant additional public investment to upgrade and rebuild our nation's infrastructure for the twenty-first century, which would create millions of jobs and make it easier for American-based companies to succeed in the global marketplace.

§ A very strong "Buy American" requirement related to all federal procurement, as Obama promised when he was campaigning. (We would never allow TARP money to go toward bailing out foreign-owned banks, so why, we must ask, is there obviously one set of rules for US banks and Wall Street institutions and a very different set for companies that produce their goods and services on Main Street?)

§ Major new tax incentives for businesses of all sizes to invest in state-of-the-art laboratories, domestic jobs–focused R&D, innovative products and follow-on manufacturing plants and equipment.

As Obama also proclaimed during the campaign, American workers are entitled to trade agreements that have meaningful labor and environmental standards, that forbid illegal subsidies and currency manipulation, and that are rigorously enforced. And it's time to dispense with "one size fits all" agreements that blindly ignore significant differences in states of development, forms of government and reciprocity. Congress also needs to:

§ Reauthorize and substantially increase Trade Adjustment

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Assistance and turn it into a remedial program that is not the displaced workers' "burial insurance" that it is right now.

§ Double the $117 billion in aid to state and local governments that was in the first stimulus plan, because every dollar to them represents jobs saved or created.

§ Authorize and substantially fund programs—like Roosevelt's Civilian Conservation Corps; later programs like VISTA and CETA; and the Serve America Act, which has already cleared the Senate—that will provide employment opportunities for this year's 6.4 million high school and college graduates, and for the graduates who follow.

§ Significantly expand job training for millions of young people to be skilled electricians, advanced welders and computerized machine tool operators, and create millions of complementary apprenticeships in manufacturing and the energy industry.

Jobs, Jobs, Jobs—24 Million More of Them, in Fact

The need for jobs creation is paramount and massive, and the task of meeting this need will be even greater. FDR had to find 13 million jobs during the worst of the Great Depression, and in 2009 we need to find 24 million, albeit in a much larger economy. But still, that's 24 million jobs!

Roosevelt knew that the answer for his administration would not be found only in the private sector, as ideal as that would have been and as much of a believer in capitalism as he was. The answer today won't be found only there, either.

In addition to the public jobs programs for the nation's youth and the training and apprenticeship programs that we have already called for, the administration and Congress also need to help create millions of jobs for the nation's adults: those who are young, approaching retirement and who were once retired but now need to go back to work.

Specifically, we need a large-scale program to create short- and medium-term jobs that complement those of the companies receiving stimulus-related contracts and subsidies, until these jobs can migrate to the private sector. With thoughtful use of tax policies, we must do everything we can to retain and strengthen the relatively few manufacturing jobs that remain. We need a program that emulates the best of the WPA and the TVA, and then we have to export this program to all fifty states. And we need aggressive public-sector employment initiatives, especially based around infrastructure construction and K-12 education.

None of the actions we call for will be easy to accomplish, nor will they come cheap. Yet we need all of them so that American workers can be fully employed in jobs that pay fair wages. We need them to rebuild, and sustain, the great commercial engines that fostered the broad American middle class of the past century and underpinned the global prosperity of the past quarter-century. We need them to bring an end to America's sorry status as the world's largest debtor nation. And we need them for our national and economic security. ■

Guantánamo at Home

Terror suspects are held in US prisons on dubious evidence under inhumane conditions.

by JEANNE THEOHARIS

Two days after being sworn in as the forty-fourth president of the United States, Barack Obama signed three executive orders, banning torture, requiring the CIA to use the same methods as the military in interrogating terror suspects, shutting down the network of secret CIA prisons and shuttering the prison at Guantánamo Bay, Cuba, within a year. "What the cynics fail to understand," the president proclaimed in his inaugural address, "is that the ground has shifted beneath them."

But where exactly has the ground shifted? The places of focus—and much of the furor against Bush's terror politics over the past few years—are outside our nation's borders, in distant lands and faraway prisons. The problem of torture and other human rights violations in America's "war on terror" has been framed as a problem that happens largely beyond

ZINA SAUNDERS

Jeanne Theoharis holds the endowed chair in women's studies and is an associate professor of political science at Brooklyn College, CUNY. She is the author of numerous books on the civil rights movement and the contemporary politics of race in the United States, including (as co-author) Our Schools Suck: Students Talk Back to a Segregated Nation on the Failures of Urban Schools. *For more information on the Hashmi case, visit educatorsforcivilliberties.org.*

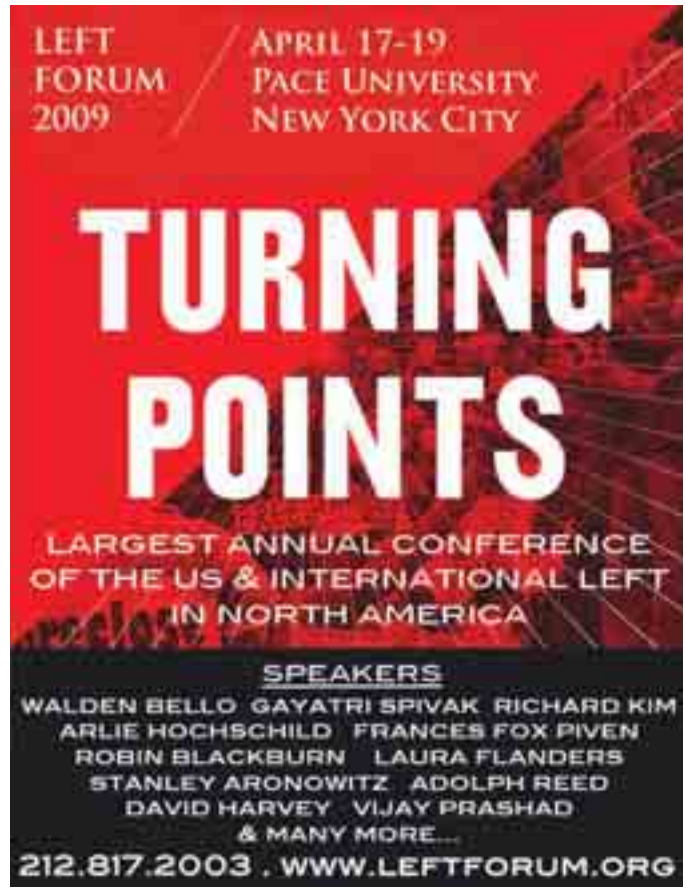
our shores. The underlying assumption is that if Guantánamo detainees were to be tried on United States soil and in federal courts (as many groups demand), such egregious abuses would not occur.

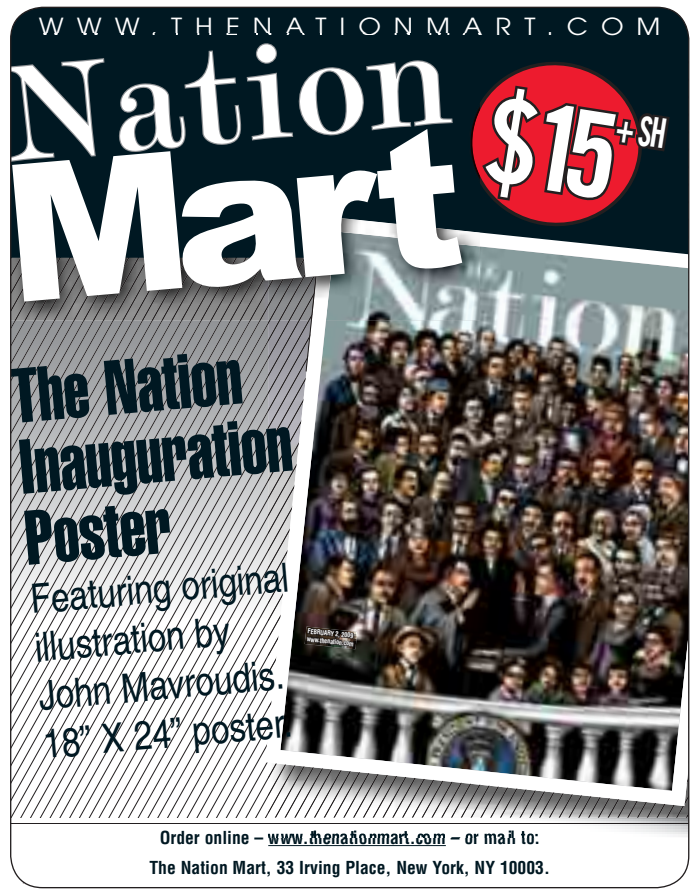
But Guantánamo is not simply an aberration; its closure will not return America to the rule of law or to its former standing among nations. Guantánamo is a particular way of seeing the Constitution, of constructing the landscape as a murky terrain of lurking enemies where the courts become part of the bulwark against such dangers, where rights have limits and where international standards must be weighed against national security. It is an outgrowth of a "war on terror" with historical precedents that took root under Clinton (in legislation like the 1996 Antiterrorism and Effective Death Penalty Act), spread like kudzu under Bush and infiltrated the fabric of the justice system. It is a pre-emptive strategy where stopping terrorism has come to mean detaining and prosecuting people who may not have committed any actual act of terrorism but whose religious beliefs and political associations ostensibly reveal an intention to do so.

The day after President Obama signed the three executive orders, I sat in a courtroom for a hearing in the case of Syed Fahad Hashmi. Hashmi is a 29-year-old Muslim American citizen being held in solitary confinement at the federal Metropolitan Correctional Center (MCC) in Lower Manhattan. He is charged with two counts of providing and conspiring to provide material support and two counts of making and conspiring to make a contribution of goods or services to Al Qaeda. If convicted, Hashmi faces seventy years in prison. He is also a former student of mine at Brooklyn College who graduated in 2003 and received his master's degree in international relations at London Metropolitan University in 2005.

Hashmi was apprehended in Britain on June 6, 2006, on a US warrant; his arrest was featured as the top story on the CBS and NBC nightly news programs, which used graphics blaring Terror Trail and Web of Terror. Held for eleven months without incident at Belmarsh Prison, he became the first US citizen to be extradited by Britain under new policies relaxing the standard for extradition in terrorism cases.

The Justice Department claims that the "centerpiece" of its case against Hashmi is the testimony of Junaid Babar. According to the government, in the beginning of 2004, Babar, also a United States citizen, stayed with Hashmi at his London apartment for two weeks. In his luggage, the government alleges, Babar had raincoats, ponchos and waterproof socks, which Babar later delivered to the third-ranking member of Al Qaeda in South Waziristan, Pakistan. It was alleged that Hashmi allowed Babar to call other conspirators in terror plots, using his cellphone. Babar, who was arrested in 2004 and has pleaded guilty to five counts of material support for Al Qaeda, faces up to seventy years in prison. While awaiting sentence, he has agreed to serve as a government witness in terror trials in Britain and Canada, as well as in Hashmi's trial. For his cooperation, Babar will be rewarded with a reduced sentence.

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Material-support laws are predicated on guilt by association. They fashion a black box into which all sorts of constitutionally protected activities can be thrown and classified as suspect, if not criminal. Because there is little evidence in this case that links Hashmi directly to any criminal action, much of the government's case will hinge on establishing his intent. To do this, the government will likely focus on statements Hashmi has made about US foreign policy, the treatment of Muslims here and abroad and other political issues. Hashmi, who was a member of the New York political group Al Muhajiroun as a student at Brooklyn College, advocated positions well outside the mainstream of American public opinion. Indeed, he drew the attention of *Time* and CNN in May 2002 as a student activist and potential homegrown threat; both quoted him at a 2002 Brooklyn College meeting, calling America "the biggest terrorist in the world." The government, however, has not designated Al Muhajiroun a terrorist organization or deemed membership in the organization illegal. This prosecution thus has the potential to criminalize constitutionally protected political speech.

The SAMs pose a significant threat to Hashmi's mental health and his ability to participate fully in his defense.

Hashmi has been in solitary confinement at MCC awaiting trial since May 2007. Since October of that year he has been held under Special Administrative Measures (SAMs) imposed and then renewed by the attorney general. The government's authority to impose SAMs was established in 1996. Since 9/11, the standards for imposing them—and conditions for their renewal—have been significantly relaxed. Under the SAMs, Hashmi is allowed no contact with anyone—except his lawyer and, more recently, his parents—no calls, no letters, no talking to other prisoners through the walls, because his cell is electronically monitored inside and out. He must shower and go to the bathroom in view of the camera. He can write one letter a week to a single member of his family, but he cannot use more than three pieces of paper. He is forbidden any contact—directly or through his attorneys—with the news media. He can read newspapers but only portions approved by his jailers—and not until thirty days after publication. He is allowed only one hour out of his cell a day—which is periodically withheld—and is not allowed fresh air but is forced to exercise in a solitary cage. The SAMs pose a significant threat to Hashmi's mental health and his ability to participate fully in his defense. Their severity casts a pall of suspicion over him, in effect depicting him as guilty before he even enters the courtroom. His "proclivity for violence" is cited as the reason for these measures—despite the fact that he has never been charged with (let alone convicted of) committing an act of violence.

Moreover, through the Classified Information Procedures Act, enacted in 1981 to prevent graymail by US intelligence officers under prosecution, much of the evidence against Hashmi is classified, which means he will not be allowed to view much of the evidence in his trial. His lawyer went through a CIA-level clearance to be able to review it; however, because of national security claims, Hashmi's attorney is forbidden from discussing much of the government's evidence with Hashmi or with any outside experts who do not also have security clearance.

At Hashmi's January 23 hearing, Federal District Judge Loretta Preska heard the defense's motion challenging the conditions of his pretrial confinement. The defense presented evidence on the devastating impact long-term solitary confinement and sensory deprivation have on prisoners' mental as well as physical health and on their ability to participate in their defense. Defense lawyer Sean Maher cited the work of various medical experts and scholars like University of California, Santa Cruz, psychology professor Craig Haney, who concludes that "there is not a single published study of solitary or supermax-like confinement…that failed to result in negative psychological effects."

The defense asked for a modest set of changes in the conditions of Hashmi's confinement—that his elderly and disabled parents be allowed to visit him together, that he be allowed to exercise in MCC's recreational facility on the roof and with other prisoners, to participate in group prayer and to have a cellmate. The judge refused all these requests, siding with the US Attorney's tautological argument that the original imposition of SAMs dictating higher security measures proved the paramount national security considerations of Hashimi's case, thus rendering the conditions of his confinement legitimate and necessary. It is not surprising, then, that in cases like Hashmi's where SAMs have been imposed since 9/11, almost none have been lifted. Judge Preska also claimed that Hashmi's restrictions are "administrative rather than punitive" and thus constitutional.

Hashmi has spent nearly a year and a half under the SAMs in a federal detention center in Manhattan under the sanction of the US District Court for the Southern District of New York. The conditions of his pretrial confinement are not substantially more humane than those of many prisoners in Guantánamo, nor is his right to a fair trial in New York City unequivocally more protected than those of many foreign nationals facing US military commissions in other parts of the world. What, then, do we think will happen if the Guantánamo detainees are transferred and tried in federal courts?

The inhumane conditions of Hashmi's pretrial confinement are not aberrational. Canadian citizen and US legal resident Mohammed Warsame has been held for more than five years in Minneapolis without trial (most of it in solitary confinement under SAMs) despite a speedy-trial motion his lawyers filed more than three years ago. In December 2003 Warsame was secreted away for four days of "voluntary" ques-

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tioning at a military base in northern Minnesota. Authorities believed he had information on Zacarias Moussaoui, since the two men had attended the same mosque in Minnesota. Held as a material witness, Warsame hardly knew Moussaoui and had no testimony to provide about him, even when brought to his trial. The government then filed material-support charges against Warsame, claiming he had taught English to Taliban nurses, had eaten in the same room with Osama bin Laden and sent $2,000 to people in Afghanistan the government claims were with the Taliban.

Civil rights violations are also becoming entrenched in prison policy. In December 2006 the Justice Department quietly set up a segregated facility, the Communication Management Unit, at the federal prison in Terre Haute, Indiana, for medium-security terrorism inmates. Nearly all the inmates transferred to Terre Haute are Muslims. All calls and mail (communication customarily off limits to prison officials) are monitored, and prisoners are required to communicate with each other only in English. The highest-level terrorists are typically sent to the Penitentiary-Administrative Maximum Facility, known as Supermax, in Florence, Colorado. Colorado Governor Bill Ritter is considering opening the prison's doors to the Guantánamo detainees; the facility, according to Ritter's spokesman, is "built for just that type of high-risk inmate." Amnesty International has been critical of conditions at Supermax, where prisoners have almost no opportunity for human interaction, physical exercise or mental stimulation—conditions many of the men faced at Guantánamo and that Hashmi faces in Manhattan. Indeed, one of the United States' most wanted terror suspects, Khalid al-Fawwaz, is fighting extradition to the United States on the grounds that the conditions in a prison like Supermax in Colorado breach Article Three of Britain's Human Rights Act, which prohibits torture and other inhuman or degrading treatment or punishment.

The conditions in Supermax in Colorado breach Britain's Human Rights Act, which prohibits torture and other degrading treatment.

Of the six people, including Hashmi, being held under pretrial SAMs in the United States, three are under the jurisdiction of the US Attorney for the Southern District of New York. Stationed at ground zero of the political theater of 9/11, this Manhattan office has taken wide latitude in imposing extreme conditions of imprisonment. Before 2001, SAMs were used against high-level prisoners whose power and influence could inspire acts of violence outside prison (like the head of the Latin Kings gang, who ordered a hit from prison). Today, these are imposed more reflexively against suspects the government seeks to mark as dangerous, regardless of their demonstrated actions or influence outside prison. (Indeed, the US Attorney has not publicly claimed that Hashmi has reach outside the prison.) Moreover, the Southern District of New York is a major steppingstone to national office—and prosecuting terrorists has significant political cachet.

On the stage of American terror justice, US Attorneys across the country have become the lead actors. Featured prominently on the nightly news, they speak in ominous tones describing the importance of each latest terror indictment—plots foiled, sleeper cells discovered, terrorists nabbed. The public performance of these indictments reminds Americans of the grave dangers the nation faces and the need for special measures to protect us, even as it reassures us that the government is averting danger at every turn. The paucity of evidence in many of these cases and the inhumane treatment of suspects have gone remarkably unchecked by many judges. Such abrogations of rights and due process rarely receive significant media coverage.

In Miami, prosecutors are going back to court for the third time, seeking conviction on material-support charges of six men for a plot to blow up the Sears Tower. The nightly news in June 2006 trumpeted the arrest of seven "Muslim" men and the dashing of their plan to attack the Sears Tower as part of a jihad. (By the next day, however, even the FBI described the plan as "aspirational rather than operational.") The seven men are actually members of the Moorish Science Temple, a religious sect that blends elements of Christianity, Judaism, Islam and black nationalism. The case, lacking any concrete evidence of weapons or blueprints and using questionable informants (the jurors felt that an FBI informant led the men on), has already resulted in two mistrials. Yet the US Attorney has pressed for the third trial in order to "safeguard the community," even though no new evidence has come to light.

Media outlets across the country hyped "sleeper cells" discovered in Detroit in 2002 and Lodi, California, in 2005. Two men in Detroit were convicted in 2003 but had their sentences subsequently suspended (and the US Attorney was indicted) when it was revealed that the US Attorney concealed exculpatory evidence. In Lodi another FBI informant, who was paid $250,000 for his work, appears to have acted as an *agent provocateur* with father and son Umer and Hamid Hayat. The government succeeded in getting a conviction of the son using the contradictory and misleading confessions of the Hayats—both of whom sought to cooperate with investigators. (The father went so far as to claim that his son trained in a basement, including doing pole-vaulting exercises. When the FBI interviewer commented that the basement ceiling must have been very high, the father concurred.) A longtime FBI agent was going to testify for the Hayats' defense that this was "the most derelict and juvenile investigation" he had ever seen the FBI put forth, but the court disallowed the testimony.

Then there is the case of "terrorist leader" and University of South Florida professor Sami Al-Arian, detailed by Alexander Cockburn in *The Nation* ["The Persecution of Sami Al-Arian," March 19, 2007; "The Ongoing Persecution of Sami Al-Arian," July 21, 2008]. After more than a decade of surveillance, years of solitary confinement and a six-month

trial that cost $50 million, the jury acquitted Al-Arian on the eight most serious charges (and deadlocked on the rest). The government pushed Al-Arian into taking a plea on one count and then reneged on its agreement by subpoenaing him before a grand jury. Refusing to appear, Al-Arian now faces contempt-of-court charges brought by the Assistant US Attorney for the Eastern District of Virginia. Judge Leonie Brinkema is considering dismissing the case. In early March, she questioned the US Attorney's actions in Al-Arian's plea agreement: "I think there's something more important here, and that's the integrity of the Justice Department."

In his confirmation hearing, Attorney General–nominee Eric Holder unequivocally declared that "Guantánamo will be closed," yet simultaneously pledged to "fight terrorism with every available tool." It is important to close a renegade prison in a remote corner of Cuba. But it is just as important, if much harder, to look at ourselves at home. It is here, in Lower Manhattan, Minneapolis and Miami, in our Justice Department, where we must shift the ground. It is here where US citizens and residents—in our federal court system and under our watch—await trial, often facing secret and specious evidence under inhumane conditions that rise to the level of cruel and unusual punishment. The task of ending Guantánamo requires that we examine and rebuild the political and judicial systems within our borders—to reform the Justice Department, the courts and prison policy. We would be wise to heed former Chief Justice Earl Warren's warning about the dangers lurking in our judicial processes: "It would indeed be ironic," Warren cautioned in 1967, "if, in the name of national defense, we would sanction the subversion of…those liberties…which [make] the defense of the nation worthwhile." ■

When Culture Trumps Law

On paper Brazil's abortion ban has a rape exception, but in reality victims are denied choice.

by EMMA SOKOLOFF-RUBIN

In November, Adriana gave birth to a child she never wanted and spent two months fighting not to have. The first time Adriana was raped, on January 29, 2008, a stranger forced her into his car and drove to a parking lot near the airport in João Pessoa, the capital of the state of Paraíba in northeast Brazil. The stranger's gang rented a house on her street. The second time, he drove a different car and threatened to go after her family if she told anyone what had happened.

Adriana, whose name has been changed to protect her privacy, stayed inside her home for four months. Each day, her attacker passed by the window, holding two pointed fingers to his head to remind her of what she stood to lose. When Adriana, 26 and a virgin before she was raped, realized she was pregnant, she knew she wanted an abortion, but she didn't dare ask anyone in her family for help. She knew her evangelical father, in whose house she lived, would tell her to have the child, and that her mother would be ashamed. So in early June, when the gang finally left the house on her street and moved on, Adriana went to the local public hospital.

Under Brazil's penal code, abortion is a crime except in cases of rape or direct threat to the mother's life. When Adriana went to the public maternity hospital, Instituto Cândida Vargas, on June 10, she explained that she had been raped, estimated that she was nineteen weeks pregnant and asked for an abortion. The receptionist sent her to the hospital psychologist, who told her that women have a responsibility to have children. The doctor held up the stethoscope so she could hear the baby's heartbeat, told her the hospital only does abortions until twelve weeks and sent her away.

ZINA SAUNDERS

Adriana's case received far less attention than that of the 9-year-old girl who received an abortion in Recife, a nearby city in the state of Pernambuco. In early March, the Catholic Church excommunicated two doctors for performing the abortion, which fell under both exceptions to the penal code: the girl had been raped by her stepfather, and her hips were too narrow to safely give birth to the twins she was carrying. (Following an international uproar, the Church withdrew the excommunication.) The doctors agreed to the procedure, but

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in an interview on Brazilian national television the next day, Archbishop José Cardoso Sobrinho of Recife announced that when government laws and the "law of God" conflict, "the human law has no value."

Adriana knows what it means for a law to lose its meaning.

Adriana didn't know that the Brazilian Ministry of Health's recommended limit for abortions—the one cited in hospital policy—was twenty-two weeks, not twelve. She didn't know the law entitled her to an abortion and required the public hospital to perform it. She didn't know that within the past two years, João Pessoa, ten minutes from her house in Bayeux, a city of 92,000, established a government commission on women and opened a domestic violence center. Opposition to abortion in Brazil, the nation with the largest Roman Catholic population in the world and a growing evangelical movement, disproportionately affects women who don't have money for private abortion clinics or a sense of entitlement to services from public institutions. Adriana might have given up if a nurse hadn't suggested she visit a local feminist organization called Cunhã. Cunhã staff immediately brought her to the dignified purple-and-white house in the center of João Pessoa, where the government-funded domestic violence center opened in September 2007.

When Adriana arrived at the center in June, having been turned away by the hospital, it looked as if the law was one thing she had on her side. Within a few hours a team of dynamic lawyers, psychologists and other staff members decided that Adriana would go to the police station and report the rape, and someone would go with her. She would find a lawyer and collect the necessary paperwork. She would go back to the hospital and demand an ultrasound. And she would bring this information to a judge, who would issue an order for the abortion to which she was legally entitled.

Regina Alves, a psychologist at the center, insists that when it comes to working with a victim of violence, "what matters is what she says." Though Adriana arrived at the center without an ultrasound or proof that she had been raped, the staff immediately contacted hospitals in nearby cities to find out their abortion policies. Lila de Oliveira, a tall and outspoken social worker from the center, stood beside Adriana through weeks of testing and waiting. Adriana and Lila went to the public defender's office to ask a judge to intervene, then started putting together a file with an HIV test, a medical report and a police notice, hoping the evangelical judge put in charge of Adriana's case would order the hospital to carry out an abortion.

By the time the tests and documentation the judge ordered came back from the police station and the hospital, it was June 30. I went with Lila and Douraci Vieira dos Santos, the head of the government commission on women, to meet Adriana at the bus stop and bring her to the hospital. Adriana came from tutoring students in her home and planned to go right back to teaching as soon as they set a date for her abortion. She was poised and steady next to me on the green couch in the bare white room, Lila on her left clutching the blue plastic folder of documents. Having the right documents takes on a certain urgency in a hospital where reported abortion protocol changes from one day to the next, and in a country where without proof of rape or threat to maternal health, victims and doctors who carry out abortions can be imprisoned for as long as three years.

Hospital director Eduardo Sergio swept in and said the fetus was 722 grams, too heavy to abort. The Ministry of Health recommends against aborting fetuses above 500 grams. After exceeding this weight, an aborted fetus is likely to come out breathing on its own, in which case the hospital is legally bound to do everything in its power to keep the premature baby alive. Though Douraci and Lila had begun putting together funding to fly Adriana to a hospital in another city, even doctors in Recife and São Paulo said it was too late to carry out an abortion. Adriana crumpled, almost imperceptibly, but she was sitting next to me and I could feel her shaking. She wrapped her arms around her stomach and spoke, audibly but quietly. "I don't want this inside of me. Why did you have to grow? I didn't want you to grow."

No single person stopped Adriana from having an abortion to which she was legally entitled. Adriana was forced to give birth to her rapist's child because of backs turned and services denied or delayed that together pushed the abortion off until it was too late. Between June 11 and June 30, Adriana and a representative from the center went to the hospital five times, the police station five times and the public defender's office three times. "There's an excuse in every case," Lila explained dryly, on the day the hospital staff announced that it would take a month to produce the results of a medical exam needed to show evidence of rape, and the policemen were on lunch break well into the afternoon.

Adrienne Germain, president of the International Women's Health Coalition, traces the problem to Brazil's restrictive abortion laws and lack of infrastructure for enforcing the legal exceptions that do exist. "Most people perceive, in Brazil and elsewhere, that abortion is illegal," Germain said. "But if it's legal for any reason, it must be provided safely. Every medical institution should provide training; every site should have equipment and personnel to provide a safe procedure."

In João Pessoa, not all professionals know the law, and those who do know don't necessarily follow it. When Douraci went to Cândida Vargas hospital asking for documentation of the protocol that limits abortions to twelve weeks, Dr. Sergio told her the standard they followed was twenty-one to twenty-two weeks, not twelve. Adriana had been eligible for an abortion the day she set foot in the hospital.

As director of the maternity hospital, Dr. Sergio has overseen abortion services at Cândida Vargas since 2005, when city government responded to pressure from the local women's movement to incorporate abortion services into João Pessoa's public healthcare system. Until then, women like Adriana could go to a private clinic or try to find care in another city. Dr. Sergio told me he wasn't at the hospital when Adriana first arrived. If he'd been there, he said, he

would have done the abortion right away, since doctors have to "be careful that our social and religious values don't interfere with our process of attending to women." Douraci insists that whether or not Dr. Sergio knew about Adriana's situation during her first visit to the hospital, she discussed the case on the phone with him that same week, when Adriana was less than twenty-two weeks pregnant and still within the recommended timeline for an abortion.

Adriana's case may seem to come down to technicalities like weeks and weight. But the cultural attitude toward abortion in Brazil is more deeply ingrained—and harder to change—than laws and numbers. The majority of abortions in Brazil are performed under illegal, unsafe conditions. Of the 1 million to 2 million Brazilian women who receive clandestine abortions annually, 250,000 end up in hospitals with complications resulting from the procedure. Reproductive rights activists had hoped that Luiz Inácio Lula da Silva, the leftist president elected in 2002, would introduce more progressive policies regarding women. In May 2007—a week after Mexico City legalized abortion through the third month of pregnancy—Lula identified illegal abortion as a public health concern because so many women die each year from them. Public health minister José Gomes Temporão questioned Brazil's conservative abortion law, particularly the legislated imprisonment of women who seek illegal abortions, and called for a national referendum on the issue. But in July 2008 a proposed bill to legalize abortion, on the table for seventeen years, was voted down by Congress, 57–4. Lula has appointed seven of Brazil's eleven Supreme Court justices. His most recent appointment, Carlos Alberto Menezes Direito, openly defends the notion of life beginning at conception, allying himself with at least three of Lula's six other appointments known for antichoice rulings.

Sixty-nine years after an amendment to the penal code made abortion legal in cases of rape, five of Brazil's twenty-six states don't have a facility that provides abortions. Even facilities designated for female victims of violence don't always support women's decisions. In 1985, Brazil established a network of all-female police stations designed to improve care for victims of rape and domestic violence. João Pessoa was the third city in the nation to open such a station, called a *delegacia da mulher*. Since Bayeux is too small to receive government funds for an all-female police station, Regina and Lila brought Adriana to the *delegacia* in João Pessoa. Though *delegacias* were designed as safe spaces for women to report crimes, Regina reported to her colleagues that "when they [*delegacia* policewomen] learned it was a case of rape and abortion, they didn't want to listen to what we had to say." Adriana then went to the police station in Bayeux, where she faced a line of policemen at the door, alerted to the case by their colleagues in João Pessoa and already prepared to turn her away.

Each doctor who examined Adriana told her to have the child. Finally she asked one of them, "And if you were in my place? What would you do?" The doctor didn't answer. He left the room.

When I asked Rosana de Lucena, director of the domestic violence center, why so many officials stood in the way of an abortion, she responded that "they don't want to grapple with this fear"—the fear felt by women like Adriana, who face family members who don't believe in abortion, and by public officials concerned about their careers. It's one thing to choose to work at a domestic violence center, Rosana explained, and "another thing to work at a hospital where suddenly you're told you're dealing with violence against women." Doctors, in particular, fear prosecution. Without proof that the mother's life is on the line or that a rape occurred, carrying out an abortion in Brazil means committing a crime.

"There's a large gap between the law and the application of the law," notes Mayor Ricardo Coutinho, the first mayor to require the local maternity hospital to provide abortion services. As mayor, he says, it's easier to change the laws than to change how people are treated in public facilities. Even in cases where abortion is legal, "the medical professionals are very reluctant because there exists a kind of professional terrorism. There's a lot of pressure on them because of efforts to characterize them as baby killers, as murderers."

Efforts to legalize abortion, and to obtain the procedure in cases where it is already legal, face a strong current of religious opposition.

Dr. Sergio sees the case as unfortunate but inevitable. He knows it could have turned out differently, but in his view each decision was necessary to protect Adriana's safety and the hospital's reputation. I met with him during his overnight shift. Women in a mix of street clothes and hospital gowns lined up outside his office, and he continued to usher them in and out as he spoke, stopping his conversation with me only to help a woman off the examining table and explain why she needed to stay in the hospital overnight. He told me that as head of the hospital, he was responsible for carrying out an abortion if the doctor on duty refused to do so. I asked when he had carried out this procedure, but Dr. Sergio didn't answer directly and instead explained why the responsibility fell to him. "In the same way that these women were victims and still have their rights and their liberties," he told me, "I can't force someone to carry out a procedure he doesn't believe in from a religious or social standpoint."

Efforts to fully legalize abortion, and to obtain abortions in cases where the procedure is already legal, take place against a strong current of religious opposition. At the national level, mobilized religious groups in Brazil's Congress are pushing proposals to recognize fetuses for tax purposes and create a national Day of the Unborn. The staff of the domestic violence center in João Pessoa work with women from all sorts of religious backgrounds; in almost every case, they told me, religion shapes a woman's beliefs on abortion and the way she is treated at home and in public institutions. The Catholic

Church has a firm stance on abortion: any woman who has an abortion, or any doctor who aids in the procedure, is automatically excommunicated. The case of the 9-year-old girl in Recife shows that this is not an empty threat.

While each staff member at the domestic violence center is deeply invested in individual cases, as a team they've learned to take a long view and focus on crafting a model for a public institution that treats people with dignity and respect for their choices. In April, the women who worked on Adriana's case will meet with feminist leaders in two northeastern states, Rio Grande do Norte and Pernambuco, to build a regional coalition out of their many local initiatives. This follows a history of strong women's rights activism in Brazil. Brazilian women were the first in Latin America to introduce abortion information into medical school curriculums and among the first to develop underground abortion networks for poor women. In partnership with Cunhã and the government commission on women, the domestic violence center in João Pessoa used Adriana's case to hold the hospital accountable for repeated attempts to stop women from having abortions. Based on a report they submitted to the Ministry of Health about Adriana's case, the ministry removed Dr. Sergio from his position as director of the hospital; but he didn't lose his place as an influential physician until another rape victim reported that she, too, had sought an abortion at Cândida Vargas and was turned away.

In Brazil, the public battle for abortion rights—the one that makes it into international newspapers—is a legal one. But the less visible battles are equally important. Cases like Adriana's are battles to make the law mean something to people on the ground, and the people waging them have taken on more than a single doctor who refuses to do an abortion. They also confront what Douraci calls "the inequalities, the power of machismo, the violence and the silence" that shape women's lives in João Pessoa and throughout Brazil. When I interviewed Douraci during the week that Adriana began prenatal care and newspapers reported that Congress voted against a bill to legalize abortion, she insisted that simply enacting new policies for women "does not further the debate on gender relations in those women's lives." That debate takes place outside state legislatures: in the waiting rooms of domestic violence centers and in the hallways of public hospitals, where what the law says doesn't correspond to what the doctors do. Legal rights are put to the test in these waiting rooms and hallways, where people fight to turn rights on paper into rights in reality. ■

Letters

(continued from page 2)

If socialism today is different from that of Marx and Engels, so are its problems. They consist of obstacles to self-organization: a people that has been depoliticized by overwork; by a 24/7 barrage of propaganda insisting that we consume, consume and consume more; by conceptions of democracy that require next to nothing from citizens; by a general atmosphere of corruption that generates cynicism and despair.

Richard Schmitt

Albion, Calif.

We need to explore economic systems to replace our form of capitalism, which depends on ever-increasing consumption, resource depletion, wealth inequality and planet warming. We must find an alternative! We need an economic system that will promote decreasing population, consumption and waste, so we can save our planet, and one that will also foster greater equality, caring, community and happiness.

Tom Wodetzki

Chicago

Barbara Ehrenreich and Bill Fletcher Jr.'s article, and the forum in reply, exhibit a glaring disparity between the breadth and depth of the crisis and the timidity of response, in particular Robert Pollin's reversal of the 1960s-era slogan "Be realistic, demand the impossible!" to "Be utopian, demand the realistic" to push Obama's reforms further.

There was an earlier formulation of reality and utopia by C. Wright Mills in his 1960 "Letter to the New Left," the injunction that any purported left "be realistic in our utopianism." After the 1950s declaration of the "end of ideology," Mills recognized that the only realistic possibility of political responsibility was in the "utopian" and frankly "ideological" program of socialism, which Ehrenreich and Fletcher treat as the dirty S-word.

Mills warned that socialism needed to be reinvented, on the basis of the best of the Marxist tradition. He enjoined his readers to "forget Victorian Marxism" and "re-read Lenin and Luxemburg" and recall what socialism once meant. But we now have a rehash of the worst of socialism. The global problems of capitalism will not find solutions derived from Lula's Brazil or Chávez's Venezuela, 1970s–'80s Swedish policies, takeovers of closed factories in Argentina or community gardens in Detroit's emptied lots. Mills called such perspectives the politically irresponsible combination of "liberal rhetoric and conservative default" in the ongoing absence of a true left.

While there are much worse things than living under the Swedish welfare state or eating homegrown vegetables, this is not a realistic prospect for saving the majority of the world's people, or even the majority of Americans, from the ravages of capitalism.

When Christian Parenti—who, with Liza Featherstone and Doug Henwood, wrote a fine critique of "Left anti-intellectualism" in *Action Will Be Taken*, invoking Adorno's critique of unthinking "actionism"—notes the virtue of Marxism so even a semiliterate Indian public could grasp the dynamics of international capitalism better than their US counterparts, we have arrived at the reversal of Marx's 11th Thesis on Feuerbach, that hitherto we have tried only to understand the world, while the point is to change it.

Only what the present "left" deems "utopian," "full-throttle socialism"—starting and pursued to conclusion in the United States, the core of global capital, where the crisis and its potential solution find their nexus—has any hope of making a true diagnosis of our problems and a prognosis for overcoming them. While the revolution envisioned by Marx has never occurred, it still might and, indeed, must if we are to begin to address the manifest problems of capitalism recognized clearly so long ago.

Chris Cutrone

Platypus Affiliated Society (platypus1917.com)

Books & the Arts.

KHALFAN SAID/ASSOCIATED PRESS

President Paul Kagame of Rwanda, left, and President Joseph Kabila of the Democratic Republic of Congo signing a peace and security declaration, Dar es Salaam, November 20, 2004

Warlord Politics

by ANDREW RICE

On November 4, the day Americans chose the son of a Kenyan economist to be their president, the eastern Congolese town of Kiwanja was assaulted by a band of several hundred militiamen, who were festooned with leaves and armed with rifles, spears and machetes. Technically, the fighters—some of them children—were acting in tenuous alliance with the faraway central government; their enemies were soldiers loyal to a rebel leader named Gen. Laurent Nkunda, who had occupied Kiwanja a few days before. But the battle was really more like a skirmish between rival gangs, and as is so often the case in these sorts of clashes, it was the defenseless who suffered the most. Nkunda's men repelled the attack and then turned their fury on Kiwanja's civilian population, going from house to house, rooting out the men and boys, accusing them of complicity with the progovernment forces and executing them on the spot. According to Human Rights Watch, which compiled an extensive report on the killings, townspeople later recovered around 150 bodies, some of which had been stuffed into pit latrines by the rebels. The entire time, a detachment of United Nations peacekeepers sat less than a mile away, oblivious to the slaughter.

The massacre at Kiwanja occurred amid a large-scale offensive by Nkunda's rebel army, a burst of conflict that briefly thrust the benighted mess that is the Democratic Republic of Congo back onto the world's front pages. The general reaction, even among informed observers, was a weary question: *Isn't this supposed to be over?* It has been six years since the signing of a peace agreement officially ended the war in Congo, a war that at its height was a fierce struggle involving the armies of eight African nations and innumerable rebel groups. Two years ago, the country validated the rule of President Joseph Kabila, a former combatant, in a reasonably competitive and well-monitored election. And yet significant portions of the population languish in conditions of static crisis. "There were two Congos," Gérard Prunier writes near the conclusion of his new history, *Africa's World War*. The "former government territory, which grumbled and complained but lived roughly in peace, and the former war zone, which wondered at times if the war had really ended."

Africa's World War
Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe.
By Gérard Prunier.
Oxford. 529 pp. $27.95.

Andrew Rice has written about Africa for The New York Times Magazine, The Paris Review *and* The Economist. *His first book,* The Teeth May Smile but the Heart Does Not Forget: Murder and Memory in Uganda, *will be published in May by Metropolitan.*

It's actually more complicated than that. Within the field of battle Prunier describes—the eastern rim of a country roughly the size of the continental United States west of the Rockies—there were many nameless little wars, which often had little to do with one another or with the larger national and geopolitical stakes. The conflict created dozens of nebulous microstates ruled by local strongmen who profess allegiance to some higher power or another, but who in practice rule their domains in an almost feudal fashion. The title of Prunier's book invokes the two great conflagrations of the twentieth century, but in the book itself Prunier argues for a more distant analogy to explain the bloodshed in Congo: the Thirty Years' War, which wracked Europe from 1618 to 1648. Both were fitful conflicts fought by a shifting cast of combatants who met on the neutral ground of a failing state—the sclerotic Holy Roman Empire in one instance; the rotten kleptocracy of Mobutu Sese Seko in the other—and waged devastating campaigns of plunder. In both cases, the civilian casualties were appalling. (It has been said that some parts of modern-day Germany saw their populations reduced by one-third during the Thirty Years' War.) And each war, Prunier argues, represented "a *transforming moment* in the history of the continent." What Congo has been transformed into, however, and what its recent history portends for Africa's future, are questions of intense debate.

Unlike most journalists, Prunier was thinking about Congo back when it was still at peace.

Africa's World War proffers an answer, and it arrives with an aura of definitiveness. Prunier would seem to be an ideal chronicler for this liminal struggle. A profession-straddler, part journalist and part scholar, he has written a book designed to appeal to readers of magazines and monographs alike. Though wrapped in glowing jacket endorsements from several eminent professors, it is free of the ritualized fustiness of academic writing. War correspondents also love Prunier's work: Howard French, who covered Congo during the 1990s for the *New York Times*, recently placed *Africa's World War* on a list of books he thought President Obama should be reading. But unlike most journalists, Prunier was thinking about this part of the world back when it was still at peace. After serving in the French army in the late 1960s, he spent two years teaching in Idi Amin's Uganda, and he broadened and deepened his knowledge during a long period of travel around the African continent. He returned to France to earn a PhD in African history, in 1981. In the book that made his reputation, *The Rwanda Crisis*, he brought a perspective informed by decades of intellectual engagement to the moral incomprehensibility of the 1994 genocide. Published in 1995, when the world's bewilderment was still fresh, the book met with an enthusiastic critical reception—David Rieff lauded it as "magisterial"; Christopher Hitchens called it "beyond praise"—and many experts consider it the most useful volume in what is now a very crowded library of Rwanda books. Prunier's latest work, like the Congo war, is a sequel of sorts. And as in the Thirty Years' War, a religious conflict that evolved into a clash of emergent national interests, the story does not end as it began. The fighting in Congo started—or at least it seemed to start—as a very modern crusade, a righteous campaign against perpetrators of genocide. Five million deaths later, it's clearly about something else.

A note of caution about the previous sentence: beware of large numbers in Africa. The much-cited figure of 5 million dead comes from a longitudinal study conducted by the International Rescue Committee, which relies on household surveys and sampling methods in a country where there are few roads, hospitals or reliable records. In keeping with a change in the way the world understands war casualties, the study's mortality figure encompasses "excess" deaths in Congo due to a wide variety of causes, such as malnutrition and diseases that would have otherwise been preventable. Even during the worst periods of fighting, the study says, violence accounted for less than 10 percent of the conflict's death toll. Any way you look at the situation, it's horrific. But the scale of Congo's killing does not compare to, say, what occurred during the years of war in Vietnam, where an estimated 3.8 million Vietnamese died from violent causes alone, according to a study published by the British medical journal *BMJ* that employed similar survey methodology.

There are two lessons here. First, numbers are political: that figure of 5 million Congolese dead is a rallying point and a fundraising tool—for worthy purposes such as refugee relief, but for causes nonetheless. And second, African conflicts are not uniquely brutal, as people in Hanoi or Grozny can attest. "The 'total war' concept invented by Germany during World War I and since then seen to apply to many conflicts worldwide," Prunier notes, "cannot apply in Africa because the means are simply not available."

Armed hostilities in Africa tend to be localized, intimate and haphazard. This is what made the Rwandan genocide such an extraordinary occurrence: not just the scale of its evil but its ruthless efficiency. At the exhortation of an extremist government committed to "Hutu Power," a willing populace butchered an estimated 800,000 people, most of them of the minority Tutsi ethnic group, in the course of just a hundred days. In *The Rwanda Crisis*, Prunier placed the genocide's organizing forces in a historical and cultural context and showed how Western powers—he was particularly scathing with regard to Belgium and France—missed clear signs of what was coming.

"They knew quite a bit, and they didn't believe it," Prunier reflected in a 1997 interview with the PBS show *Frontline*. "And I must say that I, as a specialist of the area, didn't believe it either." Ignorance wasn't the problem; expertise was. Prunier had a résumé that should have allowed him to recognize the threat. Yet when details of the planned killing, including leaked lists naming prominent Rwandans to be eliminated, began to circulate around Europe in early 1994, they were given little credence by specialists. "Why?" Prunier asked himself in the *Frontline* interview:

> Because lists like that have been circulating in the Great Lakes for thirty years. Everybody [is] always planning to kill everybody else, and all the extremists on all sides are always trying to convince the whites that they have discovered some great conspiracy and they are going to tell you all about it, when of course it is just a political tool against their enemies. So we just thought this was one more of these things.

Instead, Prunier writes in *Africa's World War*, the specialists "suddenly found themselves sitting on top of a heap of 800,000 corpses they had not seen coming." The international community had no idea how

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to respond. In the name of human rights, one agency of the United Nations created a tribunal to try the perpetrators of the genocide, while another, citing the same principles, set up camps across the border in Congo that sheltered and fed Hutu refugees, passing no judgment. If the outsiders were indecisive, however, it appeared that the Africans knew how to respond. In 1996, a rebellion broke out in Congo's far eastern provinces. The guerrillas quickly advanced across the country, chasing the refugee *génocidaires* and the dispirited army of the dictator Mobutu, who had given sanctuary to the killers because he opposed Rwanda's new Tutsi-led government. It was little secret that the "rebels" were actually proxies for Rwanda, but who could object? The intervention seemed only just, and the overthrow of Mobutu by Laurent Kabila (father of the future president Joseph), in May 1997, was greeted with exhilaration.

The first phase of the war was over, and the region had a pair of new kingpins: Yoweri Museveni, the president of Uganda, and Paul Kagame, the de facto ruler of Rwanda, both of whom had backed Kabila's offensive against Mobutu. The two shared a common history. Kagame, raised in Uganda by exile parents, had fought in the rebel force that had brought Museveni to power and had gone on to take leadership of the Rwandan Patriotic Front (RPF), the Tutsi-dominated army that conquered his home country in the aftermath of the genocide. In the late 1990s both leaders were hailed by Bill Clinton, among others, as leaders of an African "renaissance." That brief era ended, if it ever really began, with the outbreak of the second phase of Congo hostilities in 1998.

In *The Rwanda Crisis*, Prunier was reasonably sympathetic toward Kagame, but in *Africa's World War* he casts Rwanda's president as the villain, apologizing in an endnote for wanting "to believe in the relative innocence of the RPF." His sense of disillusionment matches that of a number of Great Lakes specialists, such as the late Alison Des Forges of Human Rights Watch, who by the end of her life was banned from entering Rwanda because of her strident criticism of the RPF. The title that Columbia University's Mahmood Mamdani gave his book on Rwanda, *When Victims Become Killers*, sums up the overall turnabout in the narrative. Prunier makes it clear he's determined to revise previous judgments. Early in his book, he revisits one passage from *The Rwanda Crisis*, his account of the death of the RPF's first military commander, Fred Rwigyema, contending that the leader—a national hero in Rwanda—was not killed in a friendly fire incident, as he wrote in 1995, but was actually assassinated, probably on Kagame's orders. The truth of this assertion is hard to assess—rumors about Rwigyema's death have circulated for years—but the fact that Prunier states it so boldly, naming no sources, is an indication of where he's headed.

Certainly, Kagame is not an easy man to like. In contrast to Museveni—who has an appealing personality and gets off fairly easily in Prunier's book, despite his army's involvement in some of the bloodiest Congo episodes—Rwanda's president is an aloof, soft-spoken and secretive man. He's not a democrat, and he's not subtle about it: he won more than 90 percent of the vote in the last presidential election, in part because he'd had many prominent political opponents arrested. There is credible evidence that he's supported militias in the Congo led by accused war criminals, and judges in Spain and France, under the doctrine of universal jurisdiction, have been investigating allegations—none of them proven—of various RPF misdeeds. Nonetheless, Kagame has continued to enjoy decent relations with the United States, where he's cultivated useful alliances with evangelists like Rick Warren. His professed desire is to turn Rwanda into a prosperous little autocracy like Singapore.

Kagame is not afraid to invoke the legacy of the genocide to silence international criticism.

Kagame is not afraid to invoke the legacy of the genocide to silence international criticism, and that has proven to be an effective tactic. While other strongmen—Zimbabwe's Robert Mugabe, for instance—are treated as diplomatic pariahs, Rwanda's president is still accepted in polite company. The inconsistency drives many Africa specialists crazy, and it's obvious that Prunier intends for his book to be a corrective. "The RPF calculated that guilt, ineptitude, and the hope that things would work out would cause the West to literally let them get away with murder," he writes. "The calculation was correct."

Prunier calculates too: he is careful, at least to begin with, to cloak his outrage in the mordant seen-it-all tone affected by many tropical-lifers. Though he is a native speaker of French, he writes in English with a confident *joie de vivre*. He's taken pains to demonstrate the volume of his research, appending ninety-nine pages of endnotes, but the book moves with a gossipy briskness, as if Prunier were recounting the story over beers at one of those seedy African bars where journalists mix with diamond dealers and spies. His notes include citations like "Interview with a CIA operative" and "Confidential information from the arms trading milieu."

He explains the beginning of the war's second phase with a characteristic anecdote. In 1998, Laurent Kabila, the ideologically pliant revolutionary whom Rwanda had installed as a stooge, started to resist his patrons and ordered all RPF troops to leave Congo. An important Rwandan general named James Kabarebe went to visit Kabila and tried to shoot him, Prunier reports, but was thwarted and instead fled back home to organize another invasion. This gripping story is sourced to an anonymous "relative of one of Kabila's bodyguards." It's the sort of secondhand tale that another writer might have saved for the bar, considering that Kabila's bodyguards were hardly reliable. After all, one of them did eventually assassinate him, in 2001.

Rwanda's 1998 lightning offensive reached the outskirts of Kinshasa, and would have toppled Kabila if Angola had not intervened on his behalf. The conflict erupted into a continental war, pitting Rwanda, Uganda and multiple rebel armies against the Congolese government, Angola, Zimbabwe and various less-involved states. Almost as soon as these alignments came together, however, they broke down. The rebels split into a bewildering array of feuding factions; Rwanda and Uganda battled over the contested city of Kisangani; and Kabila was murdered, possibly with Angola's connivance. The war entered its third phase, the confusing scramble for spoils.

Most of the national actors were at least partially motivated by security concerns—Rwanda, Uganda and Angola were dealing with domestic insurgents who had bases in Congo—but their actions quickly made a mockery of official rationales. All the parties set about looting the territories they occupied of gold, diamonds, timber and other natural resources. Rwanda made a profitable trade in coltan, a mineral that is used in cellphone components. Some

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Edward Koren

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analysts have suggested that the United States and other Western powers encouraged this round of fighting to get in on the mining action, a theory Prunier dismisses as a "post-Leninist bogey." "Regardless of the opinion one has of President Kagame's leadership it is absolutely necessary to recognize that he is nobody's puppet," Prunier writes. "This is always the problem of conspiracy theories applied to Africa: they purport to denounce the evil visited upon Africans by ill-meaning foreigners and they end up with Africans looking like perfect dolts, manipulated here, pushed there, used for this, deceived into that." Once again, he reserves his most scathing criticism for Rwanda, which distinguished itself, he claims, by making plunder a matter of state policy. While other countries' generals enriched themselves, the Rwandans apparently invested their ill-gotten wealth in their army.

Yet even Prunier is not averse to repeating conspiratorial rumors, some of them first advanced by the very writers he elsewhere dismisses as crackpots, so long as those stories advance his argument that Kagame was the malevolent mastermind of Congo's destruction. So, for instance, Prunier argues at length that the United States, motivated by intense guilt over its inaction during the genocide, naïvely provided the RPF with moral support (certainly true), military advice (probably so), guns and equipment (more doubtful) and armed reinforcements for its invasion, in the form of a band of sixty African-American exservicemen who'd been dishonorably discharged and recruited as mercenaries for overseas "black operations." (Ice Cube, call your agent.) In a recent review of Prunier's book published in the *Small Wars Journal*, Thomas Odom, a former US military attaché in Rwanda, called this account a "piece of literary excrement."

However one might classify it, the account was produced by a pattern of argument that recurs throughout the book: Prunier introduces substantiated charges, proceeds to eye-popping allegations and then barrels off the deep end. His zeal undermines his cause. He spends a great many pages describing reprisal massacres committed against Hutu refugees in Congo during the first phase of the war, events that clearly occurred. Then he adds flimsily sourced embellishing details, like the account of an RPF "killer team" dispatched from the Rwandan capital of Kigali and commanded by James Kabarebe, whose members carried "in their knapsacks small cobbler's hammers which they used to silently and efficiently smash skulls." Finally, he makes some extremely questionable calculations to come up with the estimate that 300,000 refugees were murdered.

A number with that much political weight shouldn't be thrown around carelessly. Indeed, it gives support to the contention that the RPF engaged in "counter-genocide," an allegation voiced by Kagame's enemies for years. Prunier practically lionizes one of these opponents, Seth Sendashonga, a Hutu who served as interior minister in the RPF government until he fell out with Kagame in 1995 and went into exile in Nairobi, where he became one of the RPF's loudest accusers. It appears as if, having mistaken reports of genocide for political slander once before, Prunier wasn't going to let skepticism fool him again.

The company that Prunier kept during the Congo war raises questions about his judgment.

By the end of *Africa's World War*, the author's detachment has vanished, and he is fulminating against gullible foreigners who saw the conflict as a "fantasmatic soap opera," with the Hutu *génocidaires* playing "Darth Vaders" to the RPF's "lightly cavalcading Luke Skywalkers." These simple-minded people believed Paul Kagame was "Moses ushering Africa into that Brave New World" and thought that his entry into Congo would lead to a "virtuous cleaning of the African Augean stables." As I read this wild cavalcade of hyperbolic metaphors, I started to wonder if I'd picked up some lost Nabokov novel, where the urbane narrator, Professor Prunier, gradually reveals himself to be a raving loon.

Then I read the appendix titled "Seth Sendashonga's Murder." In it, Prunier describes how the exile leader was shot dead under mysterious circumstances in Nairobi in 1998. Before the probable assassination, Sendashonga had become "fed up with always playing the good guy," Prunier writes with sympathy, and had formed a rebel force of 600 men and "around forty officers of the ex-FAR"—that is, veterans of the army that organized the 1994 genocide. He was making plans to infiltrate Rwanda. Prunier discloses that an exiled friend of Sendashonga's wrote letters begging him to raise funds for the rebellion, and implies that he did indeed help. Prunier says he also made contact with elements of the government in Uganda, which at the time was starting to grow estranged from Rwanda, and arranged for Sendashonga to meet a general named Salim Saleh.

This is a discrediting admission on two counts. Obviously, Prunier's involvement as a partisan undermines any claim to objectivity, which is a shame because many of his criticisms are valid: Kagame started the war and was more responsible than anyone for assuring that it continued. But the company Prunier was keeping also raises questions about his political judgment. Salim Saleh is the powerful brother of Yoweri Museveni, Uganda's president. According to a UN investigation, he was one of the major profiteers in the Congo war. Elsewhere in the book, Prunier writes that Saleh was in the illicit diamond trade "up to his neck" and describes how the general fomented an ethnic conflict in the eastern region of Ituri for reasons "so cold-bloodedly commercial that few observers dared to believe it." These misdeeds still lay in the future at the time Prunier introduced Saleh to his friend, but even then no one had any illusions about the general's character.

The Congo conflict's long denouement has been dominated by figures like Saleh, small men who wage war as a business proposition, and they likely represent the episode's lasting legacy. A decade ago, the political scientist William Reno predicted that in an era of globalization, failing states would have a tendency to degenerate into fiefdoms that sustain themselves through the extraction and sale of natural resources, a system that "more closely resembles the decentralized subcontracting structure of a successful global firm such as Nike than an inefficient, centrally organized, mammoth firm such as General Motors." Reno called this "warlord politics," a term that nearly perfectly describes what happened in Congo. This was a war that escaped from its masterminds.

Eventually the foreign armies retreated, leaving behind their proxies, who developed minds of their own. Joseph Kabila, thought to be a weakling when he took the place of his murdered father, defied all expectations. "Devoid of any national constituency," Prunier writes of the younger Kabila in one of his many penetrating insights, he "decided

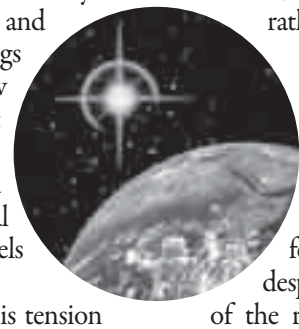
to treat the international community as his power base." It was a canny strategy. A peace treaty was signed, and development aid, which Kabila used to strengthen his rule, flowed into the country. He won a legitimizing election in 2006 over another former rebel leader, Jean-Pierre Bemba, whose campaign was hindered by allegations of wartime atrocities. (Among other things, it was said his troops had practiced cannibalism against Pygmies, which would have been considered an electoral disqualifier in any country but Congo. On the campaign trail, Bemba made a memorable denial, claiming, "The Pygmies are alive and well.") Last year Bemba was arrested in Belgium and sent to face judgment before the International Criminal Court on war-related charges. But most of the warlords have been brought into the fold of Kabila's government, having been induced to make their separate peaces by some combination of fatigue, financial concessions and cajoling. By late last year the only serious remaining rebellion was one in the province of North Kivu, led by Laurent Nkunda.

Nkunda was a true creation of the war: a member of Congo's tiny Tutsi population, he reputedly served in the RPF before joining the leadership of a North Kivu–based rebel group, which subsequently splintered into many parts. As the last holdout, Nkunda, a fiery part-time evangelist, claimed to be fighting to protect his people from genocide. In reality, his army, the National Congress for the Defense of the People, was little more than a criminal enterprise with interests in a number of lucrative trades, including fuel smuggling. According to the United Nations, until at least last fall—the time of the Kiwanja massacre—Nkunda was receiving material support from the Rwandans. The degree to which they controlled Nkunda is a matter of dispute, however, and at some point he seems to have become a liability. In late January Rwanda and Congo struck a secret deal and launched a joint attack on Nkunda's stronghold. He fled into Rwanda, where he was arrested.

A surviving remnant of Nkunda's army, commanded by a disloyal subordinate—an indicted war criminal—switched to the government side, and all three forces turned to rooting out an estimated 6,500 Hutu militiamen, the last remnants of the *génocidaires*, from the hills of North Kivu. After thirteen years, the Congo conflict had returned to its original grounds. Whether it ends there, however, will be up to the warlords. ■

—The restoration of the world—

From almost every point of view the situation facing men* everywhere grows daily more painful. The economic chaos resulting from years of unlicensed greed and heartless competition lays waste the honest toil and aspiration of countless millions. On the whole, the men of money go blithely on, their treasure intact, while men and women in every country face joblessness, poverty and fear. More accurate readings of climatic changes show men how close this planet is to irreversible calamity, and alarm bells sound loudly on many political fronts, raisingto new levels the factor of stress.



How much more of this tension can humanity bear? For how long will men accept, mildly, their fate? Desperate men do desperate deeds and already in their minds, if not yet in their actions, many contemplate revolution.

Happenings

Behind the scenes, Maitreya watches carefully these happenings, and gives succour wherever the Law allows. He waits, patiently, for the build-up of response to the sign of his Emergence, the "starlike luminary of brilliant power" on which many now gaze in wonder and even love.

What is desired is some measure of public debate about the significance or meaning of the Star, thus signifying the emergence of Maitreya, the World Teacher. The greater and more public the discussion, the greater does it prepare the way for Maitreya's entry. Soon there will be no gainsaying. Very soon, Venus will move beyond the sight of men and so leave the platform of the heavens open to the Star. Then there will be no doubt that the Star is there for all to see.

If sufficient discussion can be fostered on the various media and internet it will not be long until men see and hear Maitreya speak. He will not be so called, that men can judge his ideas rather than his status.

Crisis

As the economic crisis deepens, a singular reaction is appearing in many countries: alongside the fear, bravado and growing despair is a new understanding of the reasons for the crash: the greed and competitive spirit at the centre of our systems and, therefore, the need for sharing. Of themselves, many are awakening to this basic truth and see sharing as the answer to injustice and war. Thus are many ready for Maitreya's Call. This realization will grow as the crisis bites deeper and deeper into the shaky fabric of the outworn forms and structures that no longer work, can never be made to work for long.

When Maitreya speaks, he will show that this is so, that the world is ready for the adoption of new and better forms, based on the true needs of the peoples everywhere. His is the task to focus and strengthen this growing realization of the oneness and unity of men, of their mutual dependence and awakening divinity. Thus will Maitreya and humanity work together for the restoration of this world.

This article, published in *Share International* magazine, was written by a Master of Wisdom. The Masters, headed by Maitreya, the World Teacher, are highly advanced teachers and advisors of humanity who are planning to work openly in the world very soon.

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*men is a general term meaning humankind

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Pierre Bonnard's *Young Women in the Garden (Renée Monchaty and Marthe Bonnard)*, painted circa 1921–23 and reworked 1945–46

Disquieting and Enraptured

by BARRY SCHWABSKY

Christopher Columbus, as I learned in third grade, arrived in the Americas thinking he'd reached the Indies. That would be the first time the two distant realms were mistaken for each other, but hardly the last. Maybe some of those mistakes have concealed a truth. If Malcolm Cowley is to be believed, Walt Whitman reinvented aspects of Indian thought, including the doctrines of karma and the transmigration of souls, out of his own untutored experience. It was only after the publication of the first version of *Leaves of Grass* in 1855 that Thoreau clued Whitman in to the connection; soon, words like "maya" and "sudra" began to turn up in Whitman's writing.

More than a century later, a very different yet equally salient figure of American culture also embodied, in his own way, Asian wisdom without knowing it. According to the poet John Giorno, who worked closely with Andy Warhol, "Andy in a sense was a Buddhist and he understood intuitively, at least in the years I knew him in the 1960s, the nature of emptiness. He just came from it." If Whitman and Warhol came unknowingly to ideas of Asian origin, the same is not true of many other American artists, writers and musicians: they have deliberately pursued an idea of Asia, if not always wisely or accurately. Theorists and critics of contemporary art may find their inspiration in French theory or the Frankfurt school, but the people whose work they write about are often more involved in yoga or Buddhism.

Because American culture has for so long and so persistently found in Asia a mirror of its aspirations, it's surprising that there has never been until now an exhibition like "The Third Mind: American Artists Contemplate Asia, 1860–1989," curated by Alexandra Munroe, which is at the Guggenheim Museum through April 19. Perhaps an exhibition wasn't the best way to approach this theme; not everything in art can be "shown." With a subject this big and elusive, the great question is always not what to leave in but what can possibly be left out. In one respect this question can be nothing more than a futile name game. Maybe it's more substantial when it concerns what, rather than who, gets included or eliminated. In this exhibition the presentation of visual arts has been usefully supplemented with glances at literature (Ezra Pound's translations from the Chinese and the Beats' turn toward India), dance (Michio Ito, who introduced Asian dance, first to Europe and then to the United States; and the collaboration between Martha Graham and Isamu Noguchi) and music (one room has been converted into *Dream House*, the composer La Monte Young's sound-and-light installation in collaboration with his wife, Marian Zazeela). The curator's decision not to touch upon architecture is surprising. Frank Lloyd Wright was a central figure in the assimilation of Asian thought to American culture; he could have been a central figure in this exhibition, and one might have thought institutional vanity alone would have been sufficient incentive for the Guggenheim to shine a light on its own architect.

By contrast, one might question the presence here of the great New York Abstract Expressionists. Their inclusion is based, unsurprisingly, on the resemblance between the use of free gesture in their work and in some Asian calligraphy. This is backed up by occasional statements like Jackson Pollock's "I paint on the floor and this isn't unusual—the Orientals did that." But in truth, the connection may seem superficial. For one thing, the comparison ignores the fundamentally urban and secular turbulence and clamor that inhabit the paintings of Pollock or Franz Kline. After all, the key word in this exhibition's title is really the verb in its subtitle: contemplate. What emerges again and again here is the notion that what American artists sought in the art, and even more in the philosophies of Asia, is a contemplative space that would allow them not necessarily to escape but certainly to take a critical distance from the raucous commercial culture and utilitarian values around them.

Actually, sometimes what they sought does seem like an evasion. The genteel aestheticism of the late-nineteenth-century American painters who seized on *japonisme* seems a shallow sort of artificial paradise in the face of the depredations of the Gilded Age. James McNeill Whistler is a fascinating painter, as is the less familiar figure Thomas Wilmer Dewing, with his oh-so-refined ladies cast adrift amid monochromatic fields that seem to anticipate the early paintings of Brice Marden. But a truly vital culture was never going to emerge from such quarters.

It is only with the postwar era that Asian thought helps American art expand to become something that begins to resemble what Whitman had called for, with magnificent disdain for syntax, nearly a century before: an art in which "the performance disdaining the trivial unapproached in the tremendous

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Barry Schwabsky, an Amerian art critic and poet living in London, has recently published Book Left Open in the Rain *(Black Square Editions/ The Brooklyn Rail).*

audacity of its crowds and groupings and the push of its perspective spreads with crampless and flowing breadth and showers its prolific and splendid extravagance." It's entirely justified that some two-thirds of "The Third Mind" is devoted to the postwar years. And maybe, on second thought, it's right that Abstract Expressionists are prominently featured, for although their relation to Asian culture was tangential, only with them did their generation of American visual artists become true children of Whitman. Like his, perhaps, their Asian dimension came entirely from within themselves. And in response to them, or perhaps from negotiating the conflicts and similarities between their art and the profoundly Zen- and Tao-influenced thought of John Cage, came Robert Rauschenberg and Jasper Johns, and after them the artists of the movements of the '60s and '70s such as Fluxus and certain strands of performance art, as well as of what Munroe calls "ecstatic minimalism." Indeed, the postwar portions of the exhibition might almost be a straightforward survey of the American art of the time, but in this context one sees it all a little differently. If that means seeing more of the earnestly New Age side of our culture, as represented, for instance, by the video art of Bill Viola, or by its jokey Zen dumbness, as in much Fluxus, then so be it.

At the same time, works that might have been left out of the kind of straightforward survey of postwar American art that much of "The Third Mind" resembles provide some of the exhibition's most vivid moments. For me, the most notable will remain the presentation of Tehching Hsieh's *One Year Performance*, 1980–81, also known as *Punching the Time Clock on the Hour*; *One Year Performance*. It really is that: Hsieh—a Taiwan-born artist who, like Willem de Kooning before him, arrived on these shores by illegally jumping ship—punched a time clock hourly for a year, meaning, among other things, that he never slept more than one uninterrupted hour at a time. The work's presentation in the museum includes all the timecards as well as the photographs with which Hsieh documented each action. In the series of photographs, one sees the artist's hair growing longer as time passes, and he begins to look more ragged and worn out. That's all pretty conventional as documentation of conceptual and performative art projects goes—though Hsieh engages so deeply with feelings about time, work, commitment, subjection and the body that most other art (and much of the art in "The Third Mind") can only seem trivial by comparison. (*The Death of James Lee Byars*, 1982/94, a room covered in gold leaf, is pretentiously crass.) But what takes this piece beyond documentation is the film that has been made by stringing together the still images of Hsieh punching his time clock. Something completely unexpected happens. Because Hsieh does not occupy quite the same position from frame to frame, he appears to be jerkily moving around, back and forth, as if buffeted by an intense blustery wind that he miraculously resists, caught in a storm of progress he neither submits to nor escapes.

"The Third Mind" succeeds in showing that Asian culture influenced American culture profoundly. But did it exert greater influence in America than in Europe? I'd say that the influence was broader here than across the Atlantic. Asia was an influence on American art mostly because Asian culture was an influence on American culture; European Modernism might not have existed if not for Asian art, but the influence was specifically pictorial and had little to do with Zen, Vedanta or other religious or philosophical systems. By the end of the nineteenth century, artists had begun to suspect that representation as it had developed in the West was becoming a dead letter; the discovery of Japanese prints opened their eyes to other ways of organizing an image.

Pierre Bonnard, who was born in 1867 in a southwestern suburb of Paris and died in 1947 in Le Cannet, near the Riviera, was one of the first of these artists, and one of the most extreme; to his friend the writer Félix Fénéon he became "*Bonnard, très Japonard*." Today we forget the urgency with which the painters of the *fin de siècle* and the early twentieth century sought to reject the tradition of which they now seem an essential part. We forget, for instance, Matisse's disdain for "those wrongly termed Renaissance masters…of more physical than spiritual value." If there was an ideology connected with this pictorial revolt—so different from the well-mannered *japonisme* of 1890s Boston—it was anarchism; society, too, had to be organized along entirely different lines. Fénéon was tried as a bomb thrower, and although he was acquitted, his most recent biographer suspects that he was not innocent. Munroe, in her introduction to the catalog of "The Third Mind," gestures dismissively toward *japonisme* as "a well-documented practice of formal appropriation"—anything to do with form must be in bad odor these days, as we all know—but it's not clear that those mere "flat colors, simple forms, and bold outlines" had less artistic power than all the philosophies in the world. The prints that inspired the Modernists were a "low" and popular art form, and they led to the rise of commercial graphics as a serious art in the early work of Bonnard and then, in his wake, of Toulouse-Lautrec and others.

Textbooks trap Bonnard in the *fin de siècle*, though it's always been obvious to those who have looked deeper that his best work came later, in the last quarter-century of his life, the period gloriously on view in "Pierre Bonnard: The Late Still Lifes and Interiors," at the Metropolitan Museum of Art through April 19. While the symphonies of blurs and dabs that are his late paintings seem worlds away from his hard-edged graphic style of the 1890s, they have something in common: the overturning of naturalistic space. Early and late, Bonnard pieces space together like a puzzle whose solution is always different: each piece of the puzzle is equally present, equally elusive. He remained *très japonard*. Henri Cartier-Bresson, who admired the painter and photographed him in the 1940s, saw his self-effacement as "in keeping with Buddhism. Bonnard had something of the bonze in him." We glimpse this monastic figure in the painter's late self-portraits, a couple of which are included here despite their hardly being still lifes or interiors.

In Bonnard's paintings, color is overheated, if not lurid. Even the deepest shadows are afire.

Looking at these paintings, in which attention is so effectively diffused and the figure, while rarely quite absent, is usually tangential, one is tempted to see the work of a formalist. But, of course, there is some subject matter in them—domestic life, let's say. And precisely because the subject matter is so limited, there is also another temptation, opposite to the formalist one: to read the paintings as a diary of the painter's feelings about his home and about the woman with whom he lived for nearly fifty years, Marthe de Méligny, the recurrent figure in the paintings.

Bonnard and Marthe lived a strange life together. She was a recluse and something of a hypochondriac; her weakness was her power in the relationship. The painter's power, by contrast, was his ability to pass unnoticed, to be present without seeming to be present, to look without seeming to look. In a few moments he could hastily make a

notational sketch from which he would later derive a grand painting that might take years to finish—one in which everything seems to be seen out of the corner of his eye as he's turning his head. "Unencumbered by the artist's usual paraphernalia," as Dita Amory writes in the exhibition catalog, "Bonnard could easily squeeze into the tightest spots… pencil and daybook in hand, and make himself virtually one with a room." His method was a highly disciplined quietism. As David Sylvester once said, "One cannot imagine him arranging a still life on a table in order to make a picture of it; he would have painted the still life that happened to be there, rearranging it on the canvas, perhaps, but not interfering with the actual things." Likewise for the nude, Sylvester continued, Bonnard's attitude "demanded that she should not notice him." Not only are the figures in the painting easy to overlook; so is the figure whose viewpoint the paintings represent.

Bonnard's paintings are about his life, but in a curiously furtive and equivocal sense. Look at the great *White Interior* of 1932. You'll see a door, a radiator, a table, a chair…and only very gradually will you see a figure, presumably Marthe leaning over behind the table, busy with a cat. Bonnard painted people in such a summary, often doll-like fashion that it is sometimes difficult to positively identify them. Seeing Marthe, or not, is a trick of the eye. She is the painting's secret. The nineteenth-century American painter Abbott Handerson Thayer, a pioneer of military camouflage, wrote to his patron Charles Lang Freer praising the Japanese manner: "Instead of a tiger painted against a *contrasting* background as our so-called painters give us, in an oriental tiger picture…one *finds* the tiger, subtly comprised *in* the decoration." What Bonnard does is not unrelated—but the emphasis is more on the shock of recognition than on the subtlety of comprising. Thayer's imaginary tiger is toothless; Bonnard's indolent women can wound. Bonnard once explained, "I'm trying to do what I have never done, give the impression one has on entering a room: one sees everything and at the same time nothing." This seeing everything and at the same time seeing nothing is not simply an optical state; it is a social and psychological one, like that of the eponymous protagonist of *What Maisie Knew*. Often referred to as a Proustian painter because he painted from memory rather than from life, Bonnard is even more a Jamesian one. In what sense did Bonnard and Marthe know each other, this couple we can only picture slipping past each other in silence for half a century? Bonnard only learned late in life, for instance, that Marthe's very name had been an invention. Bonnard teaches lessons in unknowing.

There is nothing disinterested or neutral about these paintings, which is why the temptation to see Bonnard as a formalist must be resisted even more strongly than the temptation to see the paintings as a diary of the painter's life—which the paintings never really tell you anything about. There is deep emotion here, but it's all caught up in the paint, despite not being about the paint. Everything smolders. Color is overheated, even lurid. The deepest shadows seem to have a fire burning within them. The glow of these paintings is that of iron in the forge, each ingot ready to be bent or hammered on the anvil. For all the apparent softness of things, their blurred and smudged edges, they have been fitted together with a will, worked patiently and hard so as to be pressed into the pictorial grid. The paintings are disquieting and enraptured all at once, but they never want to tell you why.

Only once, really, does Bonnard give more than a glimpse of what his art is about, but then it's heartbreaking. *Young Women in the Garden* was begun around 1921, when Bonnard—who had been living with Marthe for nearly thirty years—fell in love with a young woman named Renée Monchaty. She is the central figure in the picture. Bonnard was ready to marry her, but Marthe got wind of it and broke up the affair; she was the one who married the painter, finally, in 1925, whereupon Renée killed herself. At Marthe's insistence, Bonnard destroyed most of the paintings he'd made of Renée, but he saved this one, still unfinished. Marthe died in 1942; a few years later he began working on the painting again, adding Marthe's face at the edge of the canvas, as though she, rather than he, was quietly, almost unnoticeably observing Renée. His reluctance to paint Marthe straight-on marks the depth of his identification with her. Has bad conscience ever been so strangely transmuted into beauty? ■

ABBOT GENSER/MIRAMAX FILMS

Jesse Eisenberg as James Brennan and Martin Starr as Joel Schiffman in *Adventureland*

Lonely Blue Boys

by STUART KLAWANS

April 1, 2009: They don't see me as I slip through this multiplex, down shadowy troughs of aisles that reek of the corruption of butter topping gone sour in perverse imitativeness and price inflation. Someday they will cleanse these aisles. Someday the bonelike crunch beneath my shoes, the viscosity like drying blood, will stop crying in my ears like the anguish choked back by an abused boy, the kind who's alone and smashes people and narrates highly regarded graphic novels. But not tonight. Tonight, in what we've made of America, even the dark rain that has been falling for hours in this theater won't wash away the sick popcorn of human depravity, because there are only three people left who are willing to buy tickets for *Watchmen*, and as I sink into a shame of lumpish upholstery the other two avert their eyes. One of them looks like Nixon.

So this is what we've become: a sparse and flaky excrescence on the surface of mass-market culture, like dandruff in the thin hair of an aging character actor. Soon the show will begin, and for 162 minutes I will witness the truth of *Watchmen*. Not the false truth of "a movie," which the others will see, but the true truth of a significant pattern in contem-

porary thought and social life, visible only to me and my dying kind. Freak, they call me. Psycho. Vigilante. Film critic.

For weeks, months, I've monitored this target. I've tracked the split between the authors of the graphic novel, the lawsuit between the owners of the movie rights, the argument among *Watchmen* observers over the plan to release this film with an R rating. (Yes, one of the superheroes has a big blue penis, and it's all over the trades that grasping moneymen want to expose this thing to teenage boys, but with their rancid, hypocritical R rating they've trapped themselves, because now teenage boys aren't allowed to walk down these mean aisles. They watch for free on the Internet.) I can already smell irony waft off the ideological forces, the economic imperatives, the currents of history thick with the past's nameless and forgotten plankton, all of them about to clash in this site of contention called *Watchmen*—and yet I know the others will see nothing of this, nothing except stop-time kung fu rumbles on the rain-slick nocturnal streets of a parallel-universe New York.

The movie starts. Immediately, I see the blue penis, and the special effects are staggering. It walks on its own. It speaks. I suddenly realize it is Clive Owen, clean-shaven for a change, striding up to inspect Julia Roberts's cleavage at a garden party. This is not *Watchmen*. It is *Duplicity*.

So once more I've underestimated them. In their hideous determination to maintain, at any cost, their monstrous order, they are even prepared to show me the wrong movie. "Wrong movie," I write in my critic's notebook; but I refuse to leave my bucket seat of refuge in this stadium-rowed arena of perpetual night. I will find the pattern, no matter what Rorschach blot they fling at me.

I wait, patient, concealed. And then the essence of the thing erupts, as I knew it would—the mindless violence of greedy apes clawing blindly at each other in a slow-motion rain. They're Paul Giamatti and Tom Wilkinson, pretending to be the heads of competing companies. I can see it's supposed to be a joke, this grimacing, flailing, kicking, spluttering, even though it grinds on, and on, like the molars of a syphilitic giant writhing in a fever dream. I shudder, gripped by a clammy fear that *Duplicity* has already shown me more than I was supposed to know.

April 1, 2009, half an hour later: The fight scene between Giamatti and Wilkinson is over. Now we're supposed to believe it was only an opening credit sequence. But was it? Julia Roberts and Clive Owen are back, pretending to be rival industrial spies for the Giamatti and Wilkinson companies, or cooperating spies who are faking a rivalry, or rival lovers who are faking cooperation. A distraction. I can perceive the real scheme of the movie emerging from all these postcard views and all this James Newton Howard music-by-the-yard. I see it in the way the spies tail one another in the street and then tail one another again, in the way Roberts and Owen speak lines in a New York scene and then speak the same lines in Rome, four years earlier. The mask falls away from the supposed creator of this movie, "Tony Gilroy," as I gasp at the brazen cunning that has titled this film *Duplicity*. This is the work of The Doubler.

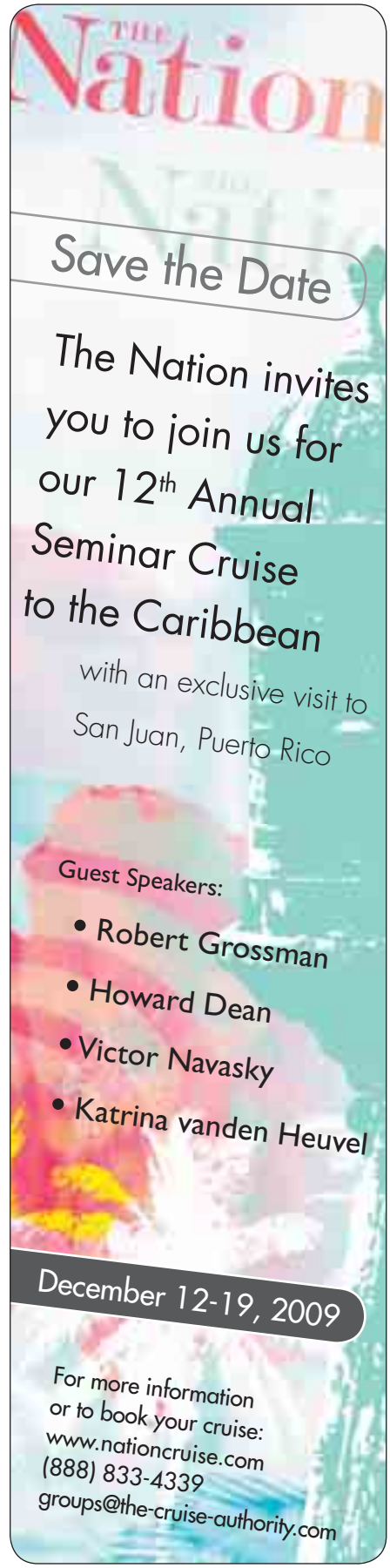
Once again—no, twice again—The Doubler has struck at the heart of movie culture. In the guise of "Zach Snyder," visionary director of *Watchmen*, he has recycled pop artifacts into a story full of laborious flashbacks and repetitive sequences, all about people chasing after an illusion and learning that the power structure will never change. Then, in the guise of "Tony Gilroy," The Doubler has done just the same thing.

Now, too late, I stumble toward the exit, though I already know it leads nowhere. A chill wind blows trash through the deserted bunker of the multiplex, past rows and rows of empty theaters showing the same movie again and again. History has ended. The Doubler has won.

Somewhere, a forgotten child cries for her Lubitsch.

But on a happier note: Whether hope can survive a systematic course of disillusionment, and love persist after the beloved is known, are the questions at the heart of writer-director Greg Mottola's *Adventureland*, a coming-of-age romance for teenagers on dates and the middle-aged on memory trips. Its pleasures may be as airy as colored lights (which figure prominently in the amusement park that's the main setting), but the feelings turn out to be surprisingly well grounded (the amusement park being in Pittsburgh, circa 1987).

This is where James (Jesse Eisenberg) finds himself immediately after graduating from college: living in his parents' house and working the sort of entry-level job that has no exit. A shyly handsome lad whose masses of dark curls might outweigh his torso, James had expected to pass the summer before grad school in a different scene of entertainment: the hostels of Europe, where he had hoped to find one woman, just one, who wouldn't look at his quiveringly sincere features and peg him as a good friend. Now, because of a sudden downgrade in his father's job description—did it happen before the drink-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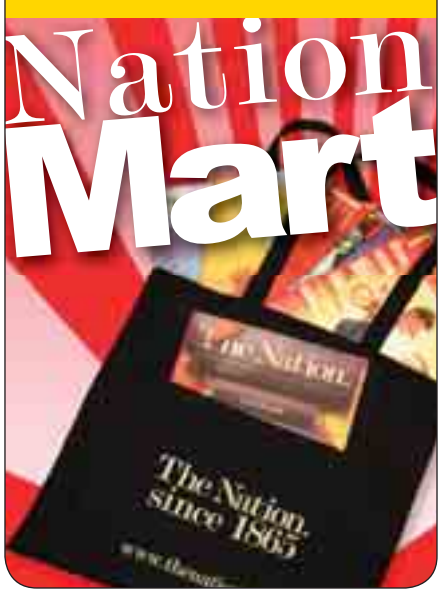

ing got serious, or after?—James has to take what he can get, which is Adventureland. Assigned to the games concourse at the park (he is, his employers assure him, definitely a games person, not a rides person), he quickly learns the trade of frustrating skill and optimism by means of covertly applied glue and deformed metal. Base ruses, perpetrated in a place of unrelenting, earsplitting gaiety: for a young man who is already cultivating an air of bleakly amused detachment, it's hard to tell whether the readymade irony of Adventureland is a burden or a gift.

But there is no doubt about his new colleague, Em: she is a bonanza. Played by the silky and fragile Kristen Stewart, whose insomniac eyes and naturally frowning lips made her *Twilight*'s ideal girlfriend for a sensitive vampire, Em meets cute with James on his first day on the job by saving him from a knife-wielding customer—the kind of plug-ugly who is absolutely set on owning a giant stuffed panda.

James quickly learns that Em, too, is articulate, college-educated and just passing through, and he knows from the start that she's more experienced on the job. It takes him a week or two longer to find out that she is also more experienced at play; and if he notices that she outdoes him in her appetite for booze and marijuana, he doesn't seem to think about it. With just a couple of close-ups of Em when she's alone and lost in thought, *Adventureland* economically signals that this is a young woman with issues; but James, incurious in the fashion of deep-souled and horny young men, fails to ask her a single unprompted question about herself until the summer is almost over. Without insisting too much on the point, the film shows you that he's wrong. It also shows you he's fallen in love, in unpromising circumstances and a ridiculous place, and for that he's absolutely right.

All this is played as comedy, of course; but part of the appeal of *Adventureland*—the part that keeps the film from becoming as glum and sincere as James—is that the register of the comedy varies. Some of it is naturalistic and observational and pulls the film toward a pain that the characters in their stronger moments might try to laugh off. Some of it is verbally exuberant and satiric, especially when James's workmate Joel (Martin Starr) is on screen. (A pipe-smoking student of Russian literature who has a misfortune of a little mustache and the hairstyle of Severus Snape, Joel seems to have given up on his life at 22—a mistake that doesn't prevent him from improving *Adventureland* with his running commentary.) And then there are elements that remind you of how Greg Mottola was stalled in his career after the early art-house success of *The Daytrippers* (1996), until he made himself commercially viable by joining the Judd Apatow factory and directing *Superbad*. In his Apatow manner, Mottola gives *Adventureland* a light sprinkling of pee jokes and vomit. He also brings in Bill Hader and Kristen Wiig to play the owners of the amusement park, turning them into sketch-comedy characters from *Saturday Night Live*. The mere listing of these ill-matched components could make you shudder as if you were hearing the gears grind on a Tilt-a-Whirl; but Mottola, blessed with a sense of proportion and a talent for ellipsis, makes them work together so smoothly that you might take *Adventureland* to be conventional.

It is, up to a point. Then it veers into subjects such as the social rift between the amusement park's young workers. These characters split roughly along the lines of Jews (freethinking, middle class, sexually worried) and Catholics (tradition-bound, working class, sexually teasing). On its face, this division is an unpleasant convention—or, rather, a stereotype. But when you see how strongly Mottola aligns himself with his Jews, and how unnecessarily (considering the minimal demands of the genre), you might feel as if he's carried something deeply personal—a grudge from his youth—into the Neverland of a date movie.

The most personal touches of all in *Adventureland*, though, the ones that truly break the limits, come from the young lead actors. They're charmers, not powerhouses. You don't expect that ten years from now they'll have turned into Kate and Leo. But when Stewart, confronted with a confession of love, has to stammer out the standard demurral about "There's a lot of shit in my life," she makes a confusion of tears well up so suddenly that you're caught off guard, responding to her bitterness almost before the words escape her lips. And when Eisenberg, at the end, is offered an Adventureland T-shirt in highly charged circumstances, he bats it to the side so forcefully that you don't know whether he's rejecting a world of dead-end jobs, his errors of the past or the suggestion that he ought to put on some clothes.

The answer is all of the above, summed up in a seemingly unpremeditated motion that's over in the blink of an eye. When Humphrey Bogart did something like this in *The Big Sleep*, casting an apparently casual glance upward while crossing a street, Manny Farber wrote that it was one of the finest moments in 1940s film. No lesser praise is due Eisenberg's instinctive gesture, at the happy end of just another girls-and-boys comedy. ■

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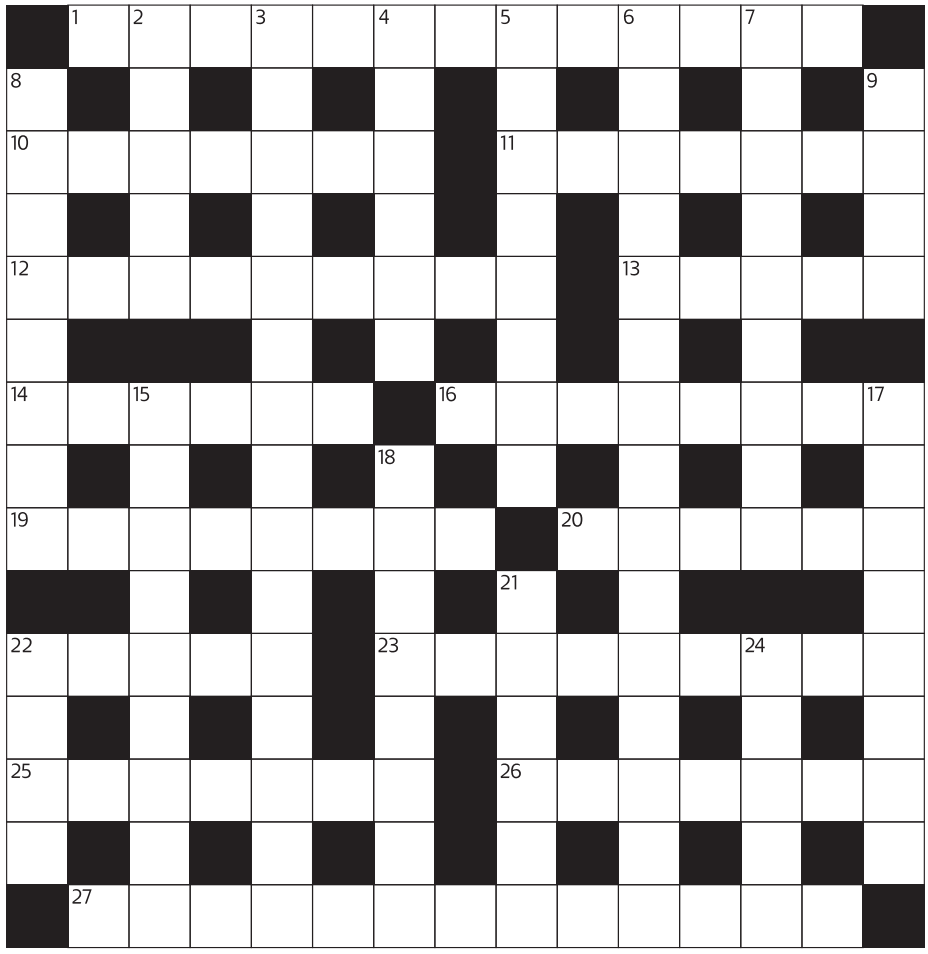

ACROSS

1 Putting those little lighters in packages? No, these are the type associated with a ring. (6,7)

10 Mr. Amin has something pertaining to the ear, which is kinda crazy! (7)

11 Regret being around the wrong side? It might be left! (7)

12 Consulted together how to scam someone, when the ump comes back with a scarlet type. (9)

13 Concerning a legal proceeding, it gets a miner in trouble. (2,3)

14 India is wrong to place fifty in what may describe "design." (6)

16 Here you have to exist back in sections of 1 across, but these are more likely to be found in basketball— (8)

19 —where such might get you a point or so. (Bird could be killed, it suggests.) (4,4)

20 A convention you might get to avenge, possibly. (6)

22 Although responsible for many a fable, it might be only a pose. (5)

23 Suggests a Greek sailor is capable making "wit." (5,4)

25 He was asked to let certain people go. (7)

26 Close to 10 across, like 19, in a sense. (7)

27 It might go with a maternity dress! (9,4)

DOWN

2 No! No! I could make a real tear-jerker! (5)

3 To start with, this is where to find the winner! (2,3,5,5)

4 It helps a kid get around—and run to carry! (2-4)

5 Take little notice! A game is in it—which might be cut short! (8)

6 At the end of the poker session, one could really die this way! (4,2,4,5)

7 One race could demand a certain amount of putting up with things! (Insurance definitely does!) (9)

8 Your kid could be quite a maker of it. (8)

9 Possibly taken by the captain. (4)

15 It proved an excellent purchase! (9)

17 Lousy places to live, but sailors just love them! (8)

18 To the Brits, he's all-American—just like an apple. (8)

21 A bad artist, but one might find several of them dire! (6)

22 High points, like around a type of record. (4)

24 A poor excuse for a libido, I see! (5)

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